REPORT

FROM THE

SELECT COMMITTEE

ON

NONCONFORMIST MARRIAGES (ATTENDANCE OF REGISTRARS);

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

APPENDIX AND INDEX.

Ordered, by The House of Commons, *to be Printed*,
8 *August* 1893.

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368.

Nonconformist Marriages (Attendance of Registrars).

Ordered,—[*Wednesday*, 22*nd March* 1893] :—That a Select Committee be appointed to inquire into the operation of the Laws relating to Marriages in Nonconformist Places of Worship in England and Wales, and the attendance of the Registrar at such marriages.

The Select Committee nominated—[*Tuesday*, 2*nd May* 1893]—of—

Mr. Griffith-Boscawen.	Mr. Picton.
Sir Edward Clarke.	Sir Francis Powell.
Mr. Jordan.	Mr. Carvell Williams.
Sir John Kennaway.	Mr. Powell-Williams.
Mr. Oldroyd.	Mr. Waddy.
Mr. Perks.	

That the Committee have power to send for Persons, Papers, and Records.

That Five be the Quorum.

Ordered,—[*Tuesday*, 4*th July* 1893],—That the Appendix to the Evidence taken before the Royal Commission on the Laws of Marriage, 1867, be referred to the Select Committee on Nonconformist Marriages (Attendance of Registrars).

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REPORT.

1. YOUR Committee has sat 10 times for the purpose of hearing evidence, and has examined 19 witnesses.

2. The witnesses have, with one exception, either been public officials, or have been deputed by various Nonconformist representative bodies to give evidence before the Committee.

3. The witnesses may be divided into the following groups: (I.) Sir Brydges P. Henniker, the Registrar General of England and Wales; Mr. Edward Whittaker, the Chief Clerk in the Registrar General's Office; Mr. Stair Agnew, the Registrar General for Scotland; Mr. Temple, the Registrar of the Central District of Edinburgh; and Mr. Matheson, the Secretary of the Irish General Register Office, and Assistant Registrar for Ireland. (II.) The views of the Superintendent Registrars, and the Registrars, for marriages in England and Wales were presented to the Committee by Mr. Rutherglen, President of the Association of Union Clerks of England and Wales; Mr. Charles Townley, President of the Associated Registrars of England and Wales; and Mr. Charles Roberts on behalf of the Yorkshire Registrars Association. These three witnesses were deputed by the associations which they represent to give evidence before the Committee. (III.) The following witnesses gave evidence on behalf of various bodies of Nonconformists: the Rev. Dr. Waller, Secretary of the Wesleyan Methodist Conference; Mr. T. Bamford Slack, representing the London Methodist Council, and also the Wesleyan Methodist Lay Preachers' Association; the Rev. M. T. Myers, ex-President of the Free Methodist Church; Mr. E. C Rawlings, representing the Conference of the Primitive Methodist Church; Mr. A. J. Shepheard, Secretary of the Dissenting Deputies; Rev. J. Guinness Rogers, on behalf of the General Committee of the Congregational Union; Mr. J. Foulkes Griffiths, Honorary Secretary of the General Baptist Association; the Rev. J. Haslar, Secretary of the Southern Baptist Association; Rev. J. Macdougall representing Independent Churches in Lancashire; and Mr. J. Ellis, one of the Registrars of the Society of Friends. In response to an invitation to the Roman Catholic Church to give evidence, the Committee received a letter from Cardinal Vaughan, referring the Committee to the evidence submitted by the late Cardinal Manning on behalf of the Roman Catholic Church to the Royal Commission of 1868 on the marriage laws. This letter, as embodying the present views of the Roman Catholic Church in England and Wales, is printed in the Appendix to the Report.

4. The total number of marriages contracted in England and Wales in the year 1891, which is the last year with which the Returns of the Registrar General deal, was 226,526. Of these 158,439, or 699 per 1,000, were celebrated according to the rites of the Established Church; and 68,087, being 301 per 1,000, were celebrated otherwise. The 301 marriages per 1,000, not celebrated in the Established Church, were distributed as follows; 118 in Nonconformist places of worship, 42 in Roman Catholic chapels, 136 at the offices of the Superintendent Registrars, and five at the synagogues and meeting-houses of the Jews and Society of Friends, at whose marriages the registrar is not required to attend.

5. The Report of the Registrar General for the year 1891 shows (Table 5, p. xxxiv) that during the last 40 years marriages in the Established Church have fallen in number from 849 to 699 per thousand; and that during the same period, while the marriages in Roman Catholic chapels have remained almost stationary at 42 per thousand, marriages among the Jews and Quakers, who by special statutory provision are relieved from the presence of the registrar, have risen from 2 to 5 per thousand, and marriages at the Superintendent Registrar's office have increased from 44 to 136 per thousand. In the year 1851 62 per thousand, as against 118 per

 thousand

thousand in 1891, were married in Nonconformist places of worship, including in the term "Nonconformist" for this purpose all Dissenters, except Roman Catholics, Jews, and Quakers.

6. The attention of the Committee was directed to the striking contrast between the number of marriages per thousand celebrated in the Established and the Nonconformist churches respectively, being 699 in the former and only 118 in the latter, when compared with the number of Nonconformist places of worship registered for religious worship in England and Wales, compared with the number of churches and chapels of the Established Church. The Parliamentary Return of 15th November 1882, which is the latest return on this subject, gives the following distribution of places of worship in England and Wales :—

Church of England (churches licensed for marriages)		14,573
Presbyterians		271
Independents		2,603
Baptists		2,243
Wesleyan Methodists	6,469	13,260
Primitive Methodists	3,825	
United Free and other Methodists	2,976	
Roman Catholics		824
Unitarians		124
Society of Friends		375
Other Religious Bodies		1,633

These figures show that Nonconformists do not, for some reason, avail themselves of their own places of worship for the purposes of marriage to an extent in any degree proportionate to their number.

7. Under the provisions of the Marriage Act of 1836 (6 & 7 Will. 4, c. 85) Nonconformist places of worship may, on the requisition of 20 householders who certify that they have for one year used such place of worship, be registered for the solemnisation of marriage on the payment of a fee of 3*l.*, which fee must be paid again when a new chapel is erected in place of an old one. Under the provisions of the same Act, marriages may be solemnized in such places of worship after the lapse of 21 days after notice when the marriage is by certificate, and seven days when the marriage is by license, according to such form and ceremony as the parties may choose to adopt, but in the presence of the registrar, in whose presence and in that of two witnesses the parties must contract the marriage.

8. There is a widespread dissatisfaction among Nonconformists with the provisions of this Act. The objections submitted to the Committee may be briefly summarised as follows: (*a*) That the necessity for making appointments for the marriage ceremony at times suitable, firstly to the registrar, secondly to the minister who is to officiate, and thirdly to the parties intending to be married, is an inconvenience and a source of trouble and delay, to which persons intending to be married in the Church of England are not subjected. (*b*) That the smallness of the number of registrars of marriages, and the distance of their offices, constitute a serious hardship, especially in rural districts. (*c*) That by reason of weather, accident, illness, forgetfulness, or other causes, registrars sometimes fail to appear or are late at the marriage ceremony. (*d*) That the marriage law system is associated with the machinery of the Poor Laws, notices of marriages being frequently published at the workhouse. (*e*) That the presence of a civil officer at a marriage in a Nonconformist chapel, when no such officer is present at marriages in the Established Church, is felt by the laity as a serious indignity, and by Nonconformist ministers as derogatory to their ministerial character. While, however, the presence of the registrar is felt by the ministers to be a serious reflection upon their ecclesiastical status (Waller, 520; Myers, 795), the evidence submitted by lay witnesses (Shepheard, 322; Slack, 1015; Rawlings, 2324; Rogers, 2819) representing large and influential Nonconformist churches, shows that the complaint can in no sense be pre-eminently regarded as a ministers' grievance, but that the obnoxious working of the existing law is felt more acutely by the laity.

9. Although there are some Nonconformists who desire for various reasons to retain the registrar at their marriages, and do not complain of the present system

(Rev. J. Haslar, 2544; Rev. J. MacDougall, 2594; J. Foulkes Griffiths, 2513), yet the evidence submitted to the Committee conclusively proves that a large majority of Nonconformists regard the presence of the registrar at their marriages as a serious and unnecessary hardship.

10. Mr. Shepheard, the Secretary of the Dissenting Deputies, an association representing the Presbyterians, Independents, and Baptists of London, and the metropolitan district, stated that there was a very large and widespread dissatisfaction with the existing law. The Rev. Dr. Waller, Secretary of the Wesleyan Conference, stated that the Wesleyan Methodist Conference had, by an unanimous vote, directed its Parliamentary Committee each year for many years past to endeavour to obtain an alteration of the law, and that the Wesleyan Conference had received petitions from its local district synods in all parts of England and Wales, asking the Conference to take action to this end, but that he would not support any measure which permitted persons other than ministers to fill up the registration forms (Myers, 928, 929). The Rev. M. T. Myers, one of the ex-Presidents of the Free Methodist Church, stated that he was authorised by the assembly of his church to ask for an amendment of the law. Mr. Rawlings, who was authorised to represent the views of the Primitive Methodist churches, which embrace 1,100 ordained preachers, 16,566 lay preachers, 193,469 members, 597,776 adherents, and 4,546 chapels (Rawlings, 2296), stated that throughout the Primitive Methodist community the grievance was severely felt (Rawlings, 2332–2333). Mr. Foulkes Griffiths, Honorary Secretary of the General Baptist Association, said that the present system is a source of very great inconvenience and annoyance to three-fourths of the people married in Nonconformist chapels (Griffiths, 2470); and the Rev. Guinness Rogers, giving evidence for the General Purposes Committee of the Congregational Union, stated that he was not aware that any considerable number of Congregationalists desired the retention of the present regulations. On the other hand, the Rev. Joseph Haslar, Secretary of the Southern Baptist Association, representing 56 churches, expressed himself in favour of the presence of the registrar, and believed that the majority of the churches he represented took the same view (Haslar, 2548, 2549); and the Rev. J. MacDougall, a Congregational Minister, expressed himself strongly against the proposed alteration of the law (MacDougall, 2594, 2596, &c.).

11. Certain of the Nonconformist witnesses expressed themselves to be theoretically in favour of a civil marriage, which should in all cases be contracted at the registrar's office, and should be followed by whatever religious ceremony the contracting parties might desire at their places of religious worship; but the witnesses were careful to say that these views were only th[redacted] opinions, and did not represent the views of the religious bodies whom they represented, and they further stated that such a solution of the difficulty was "not practical" and "not within the region of practical politics" (Waller, 585; Shepheard, 279).

The witnesses who suggested, as a means of removing the inequality between the clergyman of the Church of England and the Nonconformist minister, that the civil registrar should be required to attend marriages solemnised in the Established Church, admitted that such a solution of the difficulty was not at present possible (Waller, 585; Rogers, 2779).

12. In order to remove the difficulties experienced by the Nonconformist churches, their witnesses suggested the following plan as a workable, satisfactory scheme, viz., that the civil registrar should undertake the duty of receiving the notice of marriage, and issuing as at present the certificate or license for the marriage; that such certificate should either be handed to the parties intending to contract the marriage, or posted by the registrar to the minister who will perform the marriage ceremony; that the marriage should be solemnised in any place of worship duly registered for marriage with such religious ceremony as the parties desire; the words specified in Section 20 of the Marriage Act of 1836, which constitute the contract for marriage, being repeated by the parties marrying, in the presence of two witnesses; that immediately after the marriage ceremony a declaration shall be signed by the parties contracting the marriage, the minister solemnising the same, and the two witnesses; that either the original declaration or else a copy thereof should be sent by the person officiating at

the marriage, within 72 hours after the solemnisation of the marriage, to the registrar or Superintendent Registrar, whose duty it shall be to deal as at present with such returns or copies.

The witnesses also propose that the person officiating at the marriage ceremony shall be placed under penalties for any breach of the law, and that the fees payable on an ordinary marriage by certificate shall be reduced from 7*s.* 1*d.* to 2*s.* 6*d.*, and the fees payable on a marriage by license from 40*s.* to 5*s.*

13. A good deal of evidence was submitted to the Committee as to the operation of the Acts now in operation in Ireland and in Scotland, whereby Nonconformist ministers solemnise marriages in their places of worship without the presence of the registrar. In 1844 an Act for that purpose was passed relating to Presbyterian marriages, and in 1863 an Act was passed (26 Vict. c. 27) enabling other Nonconformist ministers in Ireland to solemnise marriages without the presence of the registrar. This Act imposed upon the minister conducting the marriage the duty of registering the marriage immediately after the ceremony in duplicate register books. Under this Act the registrar is required to post notice of the intended marriage, not only to the minister whom the parties desire to officiate at the marriage, but also to the minister of the place of worship which the parties have been in the habit of attending. Mr. Matheson, the Secretary of the Irish Registry, said that the Act of 1863 is used almost universally by Protestant Dissenters, and that there was not the smallest danger under that Act of a marriage not being properly registered (Matheson, 1328, 1329). Mr. Matheson said that the Act of 1863 had worked well, and the registers were on the whole well kept (Matheson, 1309, 1310). Mr. Matheson could see "no "reason why the English Nonconformists should not have the privilege enjoyed by "similar bodies in Ireland" (Matheson, 1361). Mr. Matheson stated that in Ireland the marriage register books are provided gratuitously in duplicate by the Government, with the necessary forms for use in Nonconformist chapels (Matheson, 1423). The fee payable by the trustees of Nonconformist places of worship for the registration of their chapels for marriage is 1*l.* No fee is payable by the Church of Ireland, nor by the Roman Catholic Church (Matheson, 1219, 1221). This witness attributed the defective condition of the registers of marriages in Roman Catholic chapels, which are conducted under a different Act to the above-named Act of 1863, to the fact that the law places the responsibility of filling up the certificates on the husband rather than the priest (Matheson, 1240).

14. The two witnesses as to the operation of the marriage law in Scotland were Mr. Stair Agnew, the Registrar General for Scotland, and Mr. Temple, the Registrar of the St. Gile[redacted]f Edinburgh. Mr. Agnew stated that under the provisions of the Scotch Marriage Notice Act of 1878 marriages may, after notice to the registrars, be celebrated by any minister, clergyman, or priest, without the presence of a registrar, and that, in his opinion, that Act had worked well (Agnew, 2256). He knew of no irregularities in connection with the return of the marriage schedule (Agnew, 2276). Mr. Temple stated that he did not consider that, for the purposes of correct registration, it was necessary a registrar should be present. The total fee payable by the parties to the registrar on their marriage is 2*s.* 6*d.* No fees are payable in Scotland in connection either with the registration of churches or chapels as places of public worship, or places where marriages may be solemnised (Temple, 1593, 1594). It is the practice, under the Scotch Marriage Notice Act, to hand the schedule or certificate for marriage to the contracting parties, and to leave the responsibility with them and the officiating clergymen for seeing that the marriage is validly solemnised, and the schedule duly filled up and returned (Temple, 1651). The certificates are regularly and properly returned with scarcely an exception. The Act works exceedingly smoothly and well (Temple, 1451). Dr. Waller, speaking on behalf of the Wesleyan Conference, under whose authority a large number of ministers are employed in Scotland, said, "There is a very strong feeling that the registrar should "be dispensed with; that a plan should be adopted similar to the one which is in "force in Scotland, where our ministers perform marriages, and no serious calamities "have ever happened" (Waller, 558).

16. The opinions of the officials charged with carrying out the Registration Acts in England and Wales, so far as they relate to marriages in places other than the Church of England, were presented to the Committee by the Registrar General and the

the chief clerk of his Department (Mr. Whittaker), and also by three superintendent registrars, two from London and one from Yorkshire, who were specially deputed by the Clerks of Unions and the Association of Registrars of Marriages to give evidence before the Committee. The Registrar General, and also his chief clerk (Mr. Whittaker), considered that the presence of a civil functionary at Nonconformist marriages was a great advantage to all parties; to the minister, because it relieved him from all responsibility in respect of the legality of the marriage and its correct registration, and to the parties who attended to be married, because the presence of such functionary ensured, in the opinion of the Registrar General, correct registration. The Registrar General also concurred in the opinion which Mr. Whittaker had previously expressed, namely, that it would be more desirable from a registration point of view, to extend civil registration to all marriages; in other words, to make civil marriage and registration compulsory, leaving the parties, after the civil marriage had been completed, to have any religious ceremony they might think fit. On being asked whether, if Parliament decided that Nonconformists should be relieved from the presence of the registrar, his Department could devise a reasonable system of registration, he suggested (Henniker, 2907, 2912), that marriages without the presence of a registrar should be confined to those bodies of Nonconformists whose church government provides a central authority. Upon his attention being directed to the fact that such a restriction would exclude many large and important bodies of Nonconformists, such as Congregationalists and Baptists, from the operation of such a relieving measure, the Registrar General stated that he was not aware that such would be the effect (Henniker, 2915). The Registrar General stated that his attention had not been directed to the Irish Act of 1863, under which Nonconformists were relieved from the presence of the registrar at their marriages, nor to the Scotch Marriage Act of 1878, and that he, therefore, could not express any opinion as to whether those Acts provided a sufficient safeguard (Henniker, 2909).

17. The objections of the superintendent registrars to the scheme proposed by the Nonconformists were mainly the following: That the system of registration of marriages now conducted in the Established Churches showed that, where the registration of marriages was entrusted solely to a minister of religion, considerable irregularities and numerous defects had arisen; that the proposal that the person officiating at the marriage should return to the registrar the Form of Return, signed by himself, the parties, and witnesses, was likely to lead to the loss of such Forms of Return, and, therefore, increase the difficulty of registering and proving marriage; that, in the judgment of the registrars, the Nonconformist ministers were not sufficiently educated to undertake the duty of signing and securing the attestation by the Forms of Return; and that the scheme, as proposed, confused the duties assigned respectively to the superintendent registrar and the registrars of marriages. But the main objections raised by the registrars to the proposed scheme were that, in the case of both an ordinary marriage by certificate and marriages by license, there would be a very material reduction in the fees received both by the superintendent registrars and the registrars. The evidence submitted to the Committee showed that the fees payable on marriage in Nonconformist places of worship in England and Wales are largely in excess of the official fees payable at marriages either in Scotland or Ireland, and that in the case of the Society of Friends, who, by statutory provisions, are exempted from the operation of the existing Marriage Acts, so far as the attendance of the registrar is concerned, the only cost is 2*s*. The evidence furnished to the Committee as to the large number of marriages which take place at St. James the Great, Bethnal Green, would seem to show that the charge even of a small fee at marriages acts as a restriction upon the solemnization of lawful marriages. The Scotch witnesses stated that the greater portion of their emoluments was received from the municipal authorities; and upon this aspect of the question the attention of the Committee was directed (Shepheard, 278) to the recommendation of the Royal Commission of 1868, that the fees for registration of marriages should be thrown on the State.

18. Three alternatives, other than the plan set out in paragraph 12, were presented to the Committee. The first was a suggestion that civil marriages should in every case be obligatory, the parties being at liberty to subsequently attend any religious service which they might think necessary. The second suggestion was that registrars should be required to attend marriages in the Church of England, and at the marriages of Jews and Quakers. The third suggestion was that Nonconformists

should endure the grievance to which they have at present to submit, pending larger ecclesiastical reforms which certain witnesses contemplated (MacDougall, 2701, 2703 ; Haslar, 2544).

19. Upon a consideration of the whole of the evidence the Committee have arrived at the following conclusions :—

(1.) That the compulsory attendance of the civil registrar at marriages of Nonconformists in England and Wales, as now required by law excepting in the case of Jews and members of the Society of Friends, is felt by Nonconformists generally to be a serious grievance, which prevents large numbers of Nonconformists who would otherwise be married by their own ministers in their places of worship from being so married; and that, in the judgment of the Committee, this is a hardship and annoyance which should be, as far as possible, removed.

(2.) That the attendance of a registrar, as a condition of the validity of marriages in Nonconformist places of worship, and as a security for the due celebration of marriages so solemnised, is neither desirable nor necessary for the purpose of securing accurate registration.

(3.) That, whatever change in the law may be made, every reasonable and necessary precaution should be taken to secure the accurate registration of the marriage immediately after the solemnisation thereof.

(4.) That the most satisfactory plan for securing such accurate registration is to make it the duty of the person officiating at the marriage, who shall be duly authorised by the trustees or other governing body of the place of worship wherein the marriage is solemnised, himself to register the marriage in a permanent register book, to be kept at the church or chapel, the contracting parties and two witnesses also signing the register at the time of the marriage ; and that it shall be the duty of the person officiating at the marriage to post or deliver to the registrar, under penalty, within 72 hours after the solemnisation of the marriage, a completed form of return, which shall be an exact copy of the entry in the marriage register, and which shall be signed by the person officiating at the marriage.

(5.) That the registrar of marriages should keep all returns received by him from persons officiating at marriages under this Act, and deal with same in such manner as may be from time to time directed, and shall include true copies of all such returns in the quarterly returns to the superintendent registrar of his district.

(6.) That register books with all necessary forms shall from time to time be supplied at the public cost to trustees or other governing bodies of all Nonconformist places of worship which shall be registered for the solemnisation of marriages.

(7.) That the fee of 3*l.* now payable on the registration of Nonconformist places of worship for the solemnisation of marriage shall be reduced to 1*l.*, and no such fee shall be payable where a new place of worship is erected in the place of an old one.

(8.) That the regulations of the Nonconformist religious bodies generally, supplemented by the obligations of the trustees or other governing bodies of their individual registered places of worship, and the fact that no chapel can be licensed for the purposes of marriage excepting upon the demand of 20 householders, provide sufficient security for the orderly and regular solemnisation of marriages in Nonconformist places of worship, and also for the safe custody of the marriage registers.

(9.) That for the purpose of meeting any difficulty which may arise in cases where the Registrar General is satisfied that sufficient security does not exist for the safe custody of the marriage registers at any place of worship, it shall be within the discretion of the Registrar General to consent to the registration of a place of worship for marriage, only upon the condition that marriages in any such place of worship shall be solemnised in the presence of the registrar.

(10.) That any alteration of the law should be in such a form as to reserve to Nonconformists the option of requiring, should they so desire, that the registrar attend, as now required by law, at their places of worship to attest and register marriages.

(11.) That the fees of 5*s.* now payable for the attendance of a registrar when the marriage is by certificate, and 10*s.* when the marriage is by license, should cease to

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be paid when the registrar does not attend at a marriage, and generally that the fees payable in connection with Nonconformist marriages shall be so adjusted, and if necessary, reduced in amount, as to secure as far as practicable a uniform charge in the case of marriages conducted in Nonconformist places of worship with the fees payable on marriages in the Established Church.

(12.) That the evidence submitted to the Committee shows that serious inconvenience and considerable expense are now imposed upon Nonconformists, especially in rural districts, owing to the distance of the offices of the registrars, and, further, that the present regulations relating to marriages are largely based on the machinery of the Poor Law.

And the Committee recommend that further facilities for giving notices, obtaining certificates, and registering marriages, be afforded, either by increasing the number of registration officers, or otherwise. And the Committee also recommend that the publication of notices of marriage at workhouses should be discontinued.

8 *August* 1893.

PROCEEDINGS OF THE COMMITTEE.

Monday, 8th May 1893.

MEMBERS PRESENT:

Mr. Waddy.
Mr. Oldroyd.
Mr. Jordan.
Mr. Perks.
Mr. Picton.
Mr. Carvell Williams.
Mr. Powell-Williams.
Sir Francis Powell.
Mr. Griffith-Boscawen.
Sir John Kennaway.

Mr. WADDY was called to the Chair.

Committee deliberated.

[Adjourned till Friday, 2nd June, at Twelve o'clock.

Friday, 2nd June 1893.

MEMBERS PRESENT:

Mr. WADDY in the Chair.

Mr. Oldroyd.
Mr. Perks.
Sir John Kennaway.
Mr. Powell-Williams.
Mr. Jordan.
Mr. Carvell Williams.
Mr. Griffith-Boscawen.

Mr. *Edward Whittaker* was examined.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 6th June 1893.

MEMBERS PRESENT:

Mr. WADDY in the Chair.

Mr. Powell-Williams.
Mr. Perks.
Mr. Jordan.
Mr. Picton.
Mr. Oldroyd.
Mr. Carvell Williams.
Sir Francis Powell.
Sir John Kennaway.

Mr. *A. J. Shepheard* was examined.

Mr. *James Ellis* was examined.

The Rev. *David James Waller*, D.D., was examined.

[Adjourned till Friday next, at Twelve o'clock.

Friday, 9th June 1893.

MEMBERS PRESENT:

Mr. WADDY in the Chair.

Mr. Carvell Williams.	Mr. Griffith-Boscawen.
Sir Francis Powell.	Mr. Jordan.
Mr. Picton.	Mr. Powell-Williams.
Mr. Perks.	Sir John Kennaway.
Mr. Oldroyd.	

The Rev. *David James Waller*, D.D., was further examined.

Mr. *John Bamford Slack* was examined.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 13th June 1893.

MEMBERS PRESENT:

Mr. WADDY in the Chair.

Mr. Jordan.	Mr. Powell-Williams.
Mr. Picton.	Mr. Oldroyd.
Mr. Carvell Williams.	Sir Francis Powell.
Mr. Perks.	Mr. Griffith-Boscawen.

The Rev. *Matthias Myers* was examined.

Mr. *John Bamford Slack* was further examined.

[Adjourned till Friday next, at Twelve o'clock.

Friday, 16th June 1893.

MEMBERS PRESENT:

Mr. WADDY in the Chair.

Sir Francis Powell.	Mr. Oldroyd.
Mr. Picton.	Mr. Jordan.
Mr. Perks.	Sir John Kennaway.
Mr. Carvell Williams.	Mr. Powell-Williams.

Mr. *Robert Edwin Matheson* was examined.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 20th June 1893.

MEMBERS PRESENT:

Mr. POWELL-WILLIAMS in the Chair.

Mr. Perks.	Sir Francis Powell.
Mr. Picton.	Mr. Griffith-Boscawen.
Mr. Jordan.	Sir John Kennaway.
Mr. Oldroyd.	

In the absence of the Chairman, Mr. Powell-Williams was called to the Chair.

Mr. *Thomas Temple* was examined.

Mr. *John Rutherglen* was examined.

[Adjourned till Friday next, at Twelve o'clock

Friday, 23rd June 1893.

MEMBERS PRESENT:

Mr. WADDY in the Chair.

Sir Francis Powell.	Sir John Kennaway.
Mr. Oldroyd.	Mr. Jordan.
Mr. Carvell Williams.	Mr. Picton.
Mr. Perks.	Mr. Griffith-Boscawen.

Mr. *Charles Townley* was examined.

[Adjourned till Friday next, at Twelve o'clock.

Friday, 30th June 1893.

MEMBERS PRESENT:

Sir JOHN KENNAWAY in the Chair.

Mr. Perks.	Mr. Oldroyd.
Mr. Carvell Williams.	Mr. Griffith-Boscawen.

In the absence of the Chairman, Sir JOHN KENNAWAY was called to the Chair.

Mr. *Charles Townley* was further examined.

Mr. *James Shepheard* was further examined.

Mr. *Stair Agnew* (Registrar General for Scotland) was examined.

Mr. *Edmund Charles Rawlings* was examined.

Room cleared. Committee deliberated.

Motion made and Question—"That in the opinion of the Committee it is desirable that, if possible, the evidence to be taken should be concluded on Friday, the 7th July, and the Report taken on Tuesday 11th and Friday 14th"—(Sir *John Kennaway*)—put and *agreed to.*

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 4th July 1893.

MEMBERS PRESENT:

Sir JOHN KENNAWAY in the Chair.

Mr. Carvell Williams.	Sir Francis Powell.
Mr. Perks.	Mr. Powell-Williams.

In the absence of the Chairman, Sir JOHN KENNAWAY was called to the Chair.

Mr. *George Roberts* was examined.

Mr. *Foulkes Griffiths* was examined.

The Reverend *Joseph Hasler* was examined.

[Adjourned till Friday next, at Twelve o'clock.

Friday, 7th July 1893.

MEMBERS PRESENT:

Sir FRANCIS POWELL in the Chair.

Mr. Carvell Williams.	Mr. Jordan.
Mr. Perks.	Mr. Oldroyd.

In the absence of the Chairman Sir FRANCIS POWELL was called to the Chair.

The Reverend *James McDougall* was examined.

The Reverend *James Guinness Rogers* was examined.

Sir *Brydges Henniker* (Registrar General) was examined.

[Adjourned till Tuesday, 18th July, at Twelve o'clock.

Tuesday 18*th July* 1893.

MEMBERS PRESENT:

Mr. Carvell Williams.	Mr. Jordan.

No quorum being present, the Committee adjourned till Tuesday next, at Twelve o'clock.

Tuesday 8*th August* 1893.

MEMBERS PRESENT:

Sir JOHN KENNAWAY in the Chair.

Sir Francis Powell.	Mr. Oldroyd.
Mr. Perks.	Mr. Carvell Williams.

In the absence of Mr. Waddy, Sir John Kennaway was called to the Chair.

Resolutions to be proposed by Sir Francis Powell, read as follows:

1. That the attendance of a Registrar as a necessary condition of the validity of a marriage, in cases where a religious ceremony takes place, is undesirable.

2. That if any change of the law be made, every precaution should be taken to secure the accurate administration of the marriage immediately after the solemnization.

3. That the only satisfactory plan for securing such accurate registration is to make it the duty of the duly authorised minister attached to the place of worship in which the marriage is celebrated to register the marriage himself, and that a permanent register, in duplicate, be kept, as is now the case in the churches of the Church of England, the contracting parties and witnesses signing the same at the same time.

4. That in cases where there is no duly authorised minister, or when he is not present, the attendance of the Registrar be required as now.

5. That every place where marriages can be solemnized be entered on some public register.

6. That no change is required as regards marriages celebrated in the Church of England.

7. That equitable compensation be given to Registrars for any loss which they may sustain from a change in the law.

DRAFT REPORT proposed by Mr. *Perks*, read the first time, as follows:—

1. Your Committee has sat 10 times for the purpose of hearing evidence, and examined 19 witnesses.

2. The witnesses have, with one exception, either been public officials, or have been deputed by various Nonconformist representative bodies to give evidence before the Committee.

3. The witnesses may be divided into the following groups: (I.) Sir Brydges P. Henniker, the Registrar General of England and Wales; Mr. Edward Whittaker, the Chief Clerk in the Registrar General's Office; Mr. Stair Agnew, the Registrar General for Scotland; Mr. Temple, the Registrar of the Central District of Edinburgh; and Mr. Matheson, the Secretary of the Irish General Register Office, and Assistant Registrar for Ireland. (II.) The views of the Superintendent Registrars, and the Registrars for Marriages in England and Wales, were presented to the Committee by Mr. Rutherglen, President of the Association of Union Clerks of England and Wales; Mr. Charles Townley, President of the Associated Registrars of England and Wales; and Mr. Charles Roberts, on behalf of the Yorkshire Registrars Association. These three witnesses were deputed by the associations which they represent to give evidence before the Committee. (III.) The following witnesses gave evidence on behalf of various bodies of Nonconformists: the Rev. Dr. Waller, Secretary of the Wesleyan Methodist Conference; Mr. T. Bamford Slack, representing the London Methodist Council, and also the Wesleyan Methodist Lay Preachers' Association; the Rev. M. T. Myers, ex-President of the Free Methodist Church; Mr. E. C. Rawlings, representing the Conference of the Primitive Methodist Church; Mr. A. J. Shepheard, Secretary of the Dissenting Deputies; Rev. J. Guinness Rogers, on behalf of the General Committee of the Congregational Union; Mr. J. Foulkes Griffiths, Honorary Secretary of the General Baptist Association; the Rev. J. Haslar, Secretary of the Southern Baptist Association; Rev. J. MacDougall, representing Independent Churches in Lancashire; and Mr. J. Ellis, one of the Registrars of the Society of Friends. In response to an invitation to the Roman Catholic Church to give evidence, the Committee received a letter from the Cardinal Archbishop of Westminster, Dr. Vaughan, referring the Committee to the evidence submitted by the late Cardinal Manning on behalf of the Roman Catholic Church to the Royal Commission of 1867 on the marriage laws. This letter, as embodying the present views of the Roman Catholic Church in England and Wales, is printed in the Appendix to the Report.

4. The total number of marriages contracted in England and Wales in the year 1891, which is the last year with which the Returns of the Registrar General deal, was 226,526. Of these 158,439, or 699 per thousand, were celebrated according to the rites of the Established Church; and 68,087, being 301 per thousand, not celebrated in the Established Church, were distributed as follows: 118 in Nonconformist places of worship, 42 in Roman Catholic chapels, 136 at the offices of the Superintendent Registrars, and five at the synagogues and meeting-houses of the Jews and Society of Friends, at whose marriages the registrar is not required to attend.

5. The Report of the Registrar General for the year 1891 shows (Table 5, p. xxxiv.) that during the last 40 years marriages in the Established Church have fallen in number from 849 to 699 per thousand; and that during the same period, while the marriages in Roman Catholic chapels have remained almost stationary at 42 per thousand, marriages among the Jews and Quakers, who by special statutory provision are relieved from the presence of the registrar, have risen from 2 to 5 per thousand, and marriages at the Superintendent Registrar's office have increased from 43 to 136 per thousand. In the year 1851, 62 per thousand, as against 118 per thousand in 1891, were married in Nonconformist places of worship, including in the term "Nonconformist" for this purpose all Dissenters, except Roman Catholics, Jews, and Quakers.

6. The attention of the Committee was directed to the striking contrast between the number of marriages per thousand celebrated in the Established and the Nonconformist churches respectively, being 699 in the former and only 118 in the latter, when compared with the number of Nonconformist places of worship registered for religious worship in England and Wales, compared with the number of churches and chapels of the Established Church. The Parliamentary Return of 15th November 1882, which is the latest return on this subject, shows the following distribution of places of worship in England and Wales:—

Church of England		14,573
Presbyterians		271
Independents		2,603
Baptists		2,243
Wesleyan Methodists	6,469	13,260
Primitive Methodists	3,825	
United Free and other Methodists	2,976	
Roman Catholics		824
Unitarians		124
Society of Friends		375
Other Religious Bodies		1,633

These figures show that the Nonconformists do not, for some reason, avail themselves of their own places of worship for the purposes of marriage to an extent in any degree proportionate to the number of their adherents.

7. Under the provisions of the Marriage Act of 1836 (6 & 7 Will. 4, c. 85) Nonconformist places of worship may, on the requisition of 20 householders who certify that they have for one year used such place of worship, be registered for the solemnisation of marriage on the payment of a fee of 3*l.*, which fee must be paid again when a new chapel is erected in place of an old one. Under the

the provisions of the same Act, marriages may be solemnised in such places of worship after the lapse of 21 days after notice when the marriage is by certificate, and seven days when the marriage is by license, according to such form and ceremony as the parties may choose to adopt, but in the presence of the registrar, in whose presence and in that of two witnesses the parties must contract the marriage.

8. There is widespread dissatisfaction among Nonconformists with the provisions of this Act. The objections submitted to the Committee may be briefly summarised as follows: (*a.*) That the necessity for making appointment for the marriage ceremony at times suitable, first to the registrar, secondly to the minister who is to officiate, and thirdly to the parties intending to be married, is an inconvenience and a source of trouble and delay, to which persons intending to be married in the Church of England are not subjected. (*b.*) That the smallness of the number of registrars of marriages, and the distance of their offices, constitute a serious hardship, especially in rural districts. (*c.*) That by reason of weather, accident, illness, forgetfulness or other causes, registrars frequently fail to appear or are late at the marriage ceremony. (*d.*) That the system of Nonconformist marriage registration is closely associated with the Poor Law Administration; notices of marriages of Nonconformists being frequently published at the workhouse. (*e.*) That the presence of a civil officer at a marriage in a Nonconformist chapel, when no such officer is present at marriages in the Established Church, is felt by the laity as a serious indignity, and by Nonconformist ministers as derogatory to their ministerial character. While, however, the presence of the registrar is felt by the ministers to be a serious reflection upon their ecclesiastical status (Waller, 520; Myers, 795), the evidence submitted by lay witnesses (Shepheard, 322; Slack, 1015; Rawlings, 2324; Rogers, 2819), representing large and influential Nonconformist churches, shows that the complaint can in no sense be pre-eminently regarded as a ministers' grievance, but that the obnoxious working of the existing law is felt more acutely by the laity.

9. Although there are some Nonconformists who desire for various reasons to retain the registrar at their marriages, and do not complain of the present system (Rev. J. Haslar, 2544; Rev. J. Macdougal, 2594; J. Foulkes Griffiths, 2513), yet the evidence submitted to the Committee conclusively proves that an overwhelming number of Nonconformists regard the presence of the registrar at their marriages as a serious and unnecessary hardship.

10. Mr. Shepheard, the Secretary of the Dissenting Deputies, an association representing the Presbyterians, Independents, and Baptists of London, and the metropolitan district, stated that there was a very large and widespread dissatisfaction with the existing law. The Rev. Dr. Waller, Secretary of the Wesleyan Conference, stated that the Wesleyan Methodist Conference had, by an unanimous vote, directed its Parliamentary Committee each year for many years past to endeavour to obtain an alteration of the law, and that the Wesleyan Conference had received petitions from its local district synods in all parts of England and Wales, asking the Conference to take action to this end. The Rev. M. T. Myers, one of the ex-Presidents of the Free Methodist Church, stated that he was authorised by the assembly of his church to ask for an amendment of the law. Mr. Rawlings, who was authorised to represent the views of the Primitive Methodist churches, which embrace 1,100 ordained preachers, 16,566 lay preachers, 193,469 members, 597,776 adherents, and 4,546 chapels (Rawlings, 2296), stated that throughout the Primitive Methodist community the grievance was severely felt (Rawlings, 2332-2333). Mr. Foulkes Griffiths, Honorary Secretary of the General Baptist Association, said that the present system is a source of very great inconvenience and annoyance to three-fourths of the people who get married in Nonconformist chapels (Griffiths, 2470), and the Rev. Guinness Rogers, giving evidence for the General Purposes Committee of the Congregational Union, stated that he was not aware that any considerable number of Congregationalists desired the retention of the present regulations.

11. Certain of the Nonconformist witnesses expressed themselves personally and theoretically in favour of a civil marriage, which should in all cases be contracted at the registrar's office, and should be followed by whatever religious ceremony the contracting parties might desire at their places of religious worship; but the witnesses were careful to say that these views were only their personal opinions, and did not represent the views of the religious bodies whom they represented, and they further stated that such a solution of the difficulty was "not practical" and "not within the region of practical politics" (Waller, 585; Shepheard, 279).

The witnesses who suggested, as a means of removing the inequality between the clergyman of the Church of England and the Nonconformist minister, that the civil registrar should be required to attend marriages solemnised in the Established Church, admitted that such a solution of the difficulty was not at present possible (Waller, 585).

12. In order to remove the difficulties experienced by the Nonconformist churches, their witnesses suggested the following plan as a workable, satisfactory scheme, viz., that the civil registrar should undertake the duty of receiving the notice of marriage, and issuing as at present the certificate or license for the marriage; that such certificate should either be handed to the parties intending to contract the marriage, or posted by the registrar to the minister who will perform the marriage ceremony; that the marriage should be solemnised in any place of worship duly registered for marriage with such religious coremony as the parties desire; the words specified in Section 20 of the Marriage Act of 1836, which constitute the contract for marriage, being repeated by the parties marrying, in the presence of two witnesses; that immediately after the marriage ceremony a declaration shall be signed by the parties contracting the marriage, the minister solemnising the same, and the two witnesses; that either the original declaration, or else a copy thereof, should be sent by the person officiating at the marriage within 72 hours after the solemnisation of the marriage to the registrar or superintendent registrar, whose duty it shall be to deal, as at present, with such returns or copies.

The witnesses also propose that the person officiating at the marriage ceremony shall be placed under penalties for any breach of the law, and that the fees payable on an ordinary marriage by certificate shall be reduced from 7*s.* 1*d.* to 2*s.* 6*d.*, and the fees payable on a marriage by license from 40*s.* to 5*s.*

13. This scheme was embodied in a Bill, and was introduced into Parliament in 1888, and a somewhat similar Bill has been introduced this Session by Mr. Perks. The evidence submitted to the Committee shows that this scheme is approved generally by the Nonconformist bodies. Mr. Shepheard, representing the Dissenting Deputies, said, "For years past this matter has been "discussed by Nonconformists at conferences and committees, and in every possible way, and it has "been very difficult to arrive at what they think is a practical solution, but now I am glad to say "that there is a very general feeling that the mode which is suggested in the Bill which Mr. Perks "introduced into the House of Commons is feasible" (Shepheard, 279). The Rev. Dr. Waller, the Secretary of the Wesleyan Conference, said, "The Bill prepared by Mr. Perks was brought under "the consideration of the United Committee of Nonconformists; it was afterwards brought under "the notice of the Committee of Privileges early in January of this year, and the Committee of "Privileges gave its approval to that Bill" (Waller, 590). Mr. J. Bamford Slack gave evidence as follows: "The Methodist Council passed a resolution two months ago, which I proposed, strongly "supporting the proposal now before Parliament in Mr. Perks' Bill, and I proposed a similar "resolution at the Second London District Synod three weeks ago, and it was carried with "substantial unanimity in a full gathering. The feeling in my own church is very strong indeed" (Slack, 785). The Rev. M. T. Myers, speaking for the Free Methodist churches, in reply to an inquiry whether his Conference approved the scheme, said, "So far as it goes we accept it" (Myers, 878). Mr. E. C. Rawlings, speaking for the Primitive Methodist Conference, said, "They approved of the Bill, and appointed myself, and another gentleman, to give evidence in its "favour" (Rawlings, 2294). Mr. Foulkes Griffiths, Secretary of the Baptist Union, said, "I am "quite certain that with safeguards, which would almost certainly be put into it if it were considered "in Committee of the House of Commons, it (Mr. Perks' Bill) would be a very practicable and a "useful one" (Griffiths, 5212). The Rev. Guinness Rogers says: "I do not see, if we are going "to have a remedy, one at present that is open to fewer objections than that which is proposed in "Mr. Perks' Bill" (Rogers, 2780).

14. A good deal of evidence was submitted to the Committee as to the operation of the Acts now in operation in Ireland and in Scotland, whereby Nonconformist ministers solemnise marriages in their places of worship without the presence of the registrar. In 1863 an Act was passed (26 Vict. c. 27) enabling Nonconformist ministers in Ireland to solemnise marriages without the presence of the registrar. This Act imposed upon the minister conducting the marriage the duty of registering the marriage immediately after the ceremony in duplicate register books. Under this Act the registrar is required to post notice of the intended marriage, not only to the minister whom the parties desire to officiate at the marriage, but also to the minister of the place of worship which the parties have been in the habit of attending. Mr. Matheson, the Secretary of the Irish Registry, said that the Act of 1863 is used almost universally by Protestant Dissenters, and that there was not the smallest danger under that Act of a marriage not being properly registered (Matheson, 1328, 1329). Mr. Matheson said that the Act of 1863 had worked well, and the registers were on the whole well kept (Matheson, 1309, 1310). Mr. Matheson, could see "no reason why the English Nonconformist should not have the privilege enjoyed by "similar bodies in Ireland" (Matheson, 1361). Mr. Matheson stated that in Ireland the marriage register books are provided gratuitously in duplicate, with the necessary forms for use in Nonconformist chapels (Matheson, 1423). The fee payable by the trustees of Nonconformist places of worship for the registration of their chapels for marriage is 1*l.* No fee is payable by the Church of Ireland, nor by the Roman Catholic Church (Matheson, 1219, 1221). This witness attributed the defective condition of the registers of marriages in Roman Catholic chapels, which are conducted under a different Act to the above-named Act of 1863, to the fact that the law places the responsibility of filling up the certificates on the husband rather than the priest (Matheson, 1240).

15. The two witnesses as to the operation of the marriage law in Scotland were Mr. Stair Agnew, the Registrar General for Scotland, and Mr. Temple, the Registrar of the St. Giles District of Edinburgh. Mr. Agnew stated that under the provisions of the Scotch Marriage Notice Act of 1878 marriages may, after notice to the registrars, be celebrated by any ministers of religion without the presence of a registrar, and that, in his opinion, that Act had worked well (Agnew, 2256). He knew of no irregularities in connection with the return of the marriage schedule (Agnew, 2276). Mr. Temple stated that he did not consider that, for the purposes of correct registration, it was necessary a registrar should be present. The total fee payable by the parties to the registrar on their marriage is 2*s.* 6*d.* No fees are payable in Scotland in connection either with the registration of churches or chapels as places of public worship, or places where marriages may be solemnised (Temple, 1593, 1594). It is the practice, under the Scotch Marriage Notice Act, to hand the schedule or certificate for marriage to the contracting parties, and to leave the responsibility with them and the officiating clergymen for seeing that the marriage is validly solemnised, and the schedule duly filled up and returned (Temple, 1651). The certificates are regularly and properly returned with scarcely an exception. The Act works exceedingly smoothly and well (Temple, 1451). The Reverend Dr. Waller, speaking on behalf of the Wesleyan Conference, under whose authority a large number of ministers are employed in Scotland, said, "There is a very strong feeling that the "registrar should be dispensed with; that a plan should be adopted similar to the one which is in "force in Scotland, where our ministers perform marriages, and no serious calamities have ever "happened" (Waller, 558).

16. The opinions of the officials charged with carrying out the Registration Acts in England and Wales, so far as they relate to marriages in places other than the Church of England, were presented

presented to the Committee by the Registrar General and the chief clerk of his department (Mr. Whittaker), and also by three superintendent registrars, two from London and one from Yorkshire, who were specially deputed by the Clerks of Unions and the Association of Registrars of Marriages to give evidence before the Committee. The Registrar General, and also his chief clerk (Mr. Whittaker), considered that the presence of a civil functionary at Nonconformist marriages was a great advantage to all parties; to the minister, because it relieved him from all responsibility in respect of the legality of the marriage and its correct registration, and to the parties who attended to be married, because the presence of such functionary ensured, in the opinion of the Registrar General, correct registration. The Registrar General also concurred in the opinion which Mr. Whittaker had previously expressed, namely, that it would be more reasonable to extend civil registration to all marriages; in other words, to make civil marriage and registration compulsory, leaving the parties, after the civil marriage had been completed, to have any religious ceremony they might think fit. On being asked whether, if Parliament decided that Nonconformists should be relieved from the presence of the registrar his department could devise a safe system of registration, the Registrar General said that this might be done (Henniker, 2907, 2908), but he suggested that marriages without the presence of a registrar should be confined to those bodies of Nonconformists whose church government provides a central ecclesiastical authority. Upon his attention being directed to the fact that such a restriction would exclude many large and important bodies of Nonconformists, such as Congregationalists and Baptists, from the operation of such a relieving measure, the Registrar General stated that he was not aware that such would be the effect, but if it was so, it was a defect in his proposal (Henniker, 2915). The Registrar General stated that his attention had not been directed to the Irish Act of 1863, under which Nonconformists were relieved from the presence of the registrar at their marriages, nor to the Scotch Marriage Act of 1873, and that he, therefore, could not express any opinion as to whether those Acts provided, in his judgment, a sufficient safeguard (Henniker, 2909).

17. The objections of the superintendent registrars to the scheme proposed by the Nonconformists were mainly the following: That the system of registration of marriages now conducted in the Established Churches showed that where the registration of marriages was entrusted solely to a minister of religion, considerable irregularities and numerous defects had arisen; that the proposal that the person officiating at the marriage should return to the registrar the Form of Return, signed by himself, the parties, and witnesses, was likely to lead to the loss of such Forms of Return, and, therefore, increase the difficulty of registering and proving marriage; that, in the judgment of the registrars, the Nonconformist ministers were not sufficiently educated to undertake the duty of signing and securing the attestation by the Forms of Return; and that the scheme, as proposed, confused the duties assigned respectively to the superintendent registrar and the registrars of marriages. But the main objections raised by the registrars to the proposed scheme were that, in the case of both an ordinary marriage by certificate and marriages by license, there would be a very material reduction in the fees received both by the superintendent registrars and the registrars. The evidence submitted to the Committee showed that the fees payable on marriage in Nonconformist places of worship in England and Wales are largely in excess of the official fees payable at marriages either in Scotland or Ireland, and that in the case of the Society of Friends, who, by statutory provisions, are exempted from the operation of the existing Marriage Acts, so far as the attendance of the registrar is concerned, the only cost is 2*s*. The evidence furnished to the Committee as to the large number of marriages which take place at St. James the Great, Bethnal Green, would seem to show that the charge even of a small fee at marriages acts as a restriction upon the solemnisation of lawful marriages. The Scotch witnesses stated that the greater portion of their emoluments was received from the municipal authorities; and upon this aspect of the question the attention of the Committee was directed (Shepheard, 278) to the recommendation of the Royal Commission of 1868, that the fees for registration of marriages should be thrown on the State.

18. Three alternatives, other than the plan set out in paragraph 12, were presented to the Committee for the relief of Nonconformists. The first was a suggestion that civil marriages should in every case be obligatory, the parties being at liberty to subsequently attend any religious service which they might think necessary. The second suggestion was that registrars should be required to attend marriages in the Church of England, and at the marriages of Jews and Quakers. The third suggestion was that Nonconformists should endure the grievance to which they have at present to submit, pending larger ecclesiastical reforms which certain witnesses contemplated (Macdougal, 2701, 2703; Haslar, 2544).

19. Upon a consideration of the whole of the evidence the Committee have arrived at the following conclusions:—

(1.) That the compulsory attendance of the civil registrar at marriages of Nonconformists in England and Wales, as now required by law, excepting in the case of Jews and members of the Society of Friends, is felt by Nonconformists generally to be a serious grievance, which prevents large numbers of Nonconformists who would otherwise be married by their own ministers in their places of worship from being so married; and that, in the judgment of the Committee, this is a hardship and annoyance which should be removed.

(2.) That the attendance of a registrar, as a condition of the validity of marriages in Nonconformist places of worship, and as a security for the due celebration of marriages so solemnised, is neither desirable nor necessary for the purpose of securing accurate registration.

(3.) That, whatever change in the law may be made, every reasonable and necessary precaution should be taken to secure the accurate registration of the marriage immediately after the solemnisation thereof.

(4.) That the most satisfactory plan for securing such accurate registration is to make it the duty of the person officiating at the marriage himself to register the marriage in a permanent register book, to be kept at the church or chapel, the contracting parties and two witnesses also signing the register at the time of the marriage; and that it shall be the duty of the person officiating at the marriage to post or deliver to the registrar, under penalty, within 72 hours after the solemnisation of the marriage. a completed form of return, which shall be an exact copy of the entry in the marriage register, and which shall be signed by the person officiating at the marriage.

(5.) That register books with all necessary forms shall from time to time be supplied at the public cost to trustees of all Nonconformist places of worship which shall be registered for the solemnisation of marriages.

(6.) That the fee of 3*l.* now payable on the registration of Nonconformist places of worship for the solemnisation of marriage shall be abolished, and no such fee shall be payable where a new place of worship is erected in the place of an old one.

(7.) That the internal ecclesiastical regulations of the Nonconformist religious bodies generally, supplemented by the obligations of the trustees of their individual registered places of worship, and the fact that no chapel can be licensed for the purposes of marriage, excepting upon the demand of 20 householders, provide sufficient security for the orderly and valid solemnisation of marriages in Nonconformist places of worship, and also for the safe custody of the marriage registers; but, in order to meet any difficulty which may arise in cases where the Registrar General is satisfied that sufficient security does not exist for the safe custody of the marriage registers at any place of worship, it shall be within the discretion of the Registrar General only to consent to the registration of a place of worship for marriage conditionally upon marriages being conducted in any such place of worship in the presence of the registrar.

(8.) That any alteration of the law should be in such a form as to reserve to Nonconformists the option of requiring, should they so desire, that the registrar attend, as now required by law, at their places of worship to attest and register marriages.

(9.) That the fees of 5*s.* now payable for the attendance of a registrar when the marriage is by certificate, and 10*s.* when the marriage is by license, should cease to be paid when the registrar does not attend at a marriage, and generally that the fees payable in connection with Nonconformist marriages shall be so adjusted, and if necessary, reduced in amount, as to secure as far as practicable a uniform charge in the case of marriages conducted in Nonconformist places of worship, with the fees payable on marriages in the Established Church.

(10.) The evidence submitted to the Committee shows that serious inconvenience and considerable expense are now imposed upon Nonconformists, especially in rural districts, owing to the distance of the offices of the registrars, and, further, that the present system of marriage registration is based on the Poor Law administration.

The Committee recommend that further facilities be afforded, either by increasing the number of registration officers, or otherwise for giving notices, obtaining certificates, and registering marriages; and that notices of the marriages of Nonconformists should in no case be exhibited at the workhouses.

Motion made, "That the DRAFT REPORT proposed by Mr. Perks be read a second time, paragraph by paragraph"—(Mr. *Perks*)—put, and *agreed to.*

Paragraphs 1–18 postponed.

Paragraph 19.—Amendment made, and *agreed to.*

Another Amendment proposed in line 2, after the word "marriage" to insert the words "who shall be duly authorised by the trustees or other governing body of the place of worship wherein the marriage is solemnised." (Sir *Francis Powell.*)

Question, That those words be there inserted, put, and *agreed to.*

Another Amendment proposed, in page xviii, line 7, after the word "marriage" to insert the words—

"That the Registrar of Marriages should keep all returns received by him from persons officiating at marriages under this Act, and deal with the same in such manner as may be from time to time directed, and shall include true copies of all such returns in the quarterly returns to the Superintendent Registrar of his district." (Mr. *Perks*).

Question, That those words be there inserted, put, and *agreed to.*

Further Amendments made.

Paragraph 19, as amended, *agreed to.*

Postponed paragraph 1, amended, and *agreed to.*

Postponed paragraph 2, *agreed to.*

Postponed paragraph 3, amended, and *agreed to.*

Postponed paragraphs 4–5, *agreed to.*

Postponed paragraph 6, amended, and *agreed to.*

Postponed paragraph 7, *agreed to.*

Postponed paragraphs 8–11, amended, and *agreed to.*

Postponed

Postponed paragraph 12, *agreed to.*

Postponed paragraph 13, *disagreed to.*

Postponed paragraphs 14-16, amended, and *agreed to.*

Postponed paragraph 17, *agreed to.*

Postponed paragraph 18, amended, and *agreed to.*

Question, That this Report, as amended, be the Report of the Committee to the House, put and *agreed to.*

Ordered, To Report, together with the Minutes of Evidence, and an Appendix.

EXPENSES OF WITNESSES.

NAME OF WITNESS.	PROFESSION OR CONDITION.	From whence Summoned.	Number of Days Absent from Home under Orders of Committee.	Allowance during Absence from Home.	Expenses of Journey to London and back.	TOTAL Expenses allowed to Witness.
				£. s. d.	£. s. d.	£. s. d.
Matthias Thackeray Myers.	Methodist Minister -	Rochdale - - -	2	2 2 -	5 4 -	7 6 -
Robert Edwin Matheson.	Barrister-at-Law -	Kingstown - - -	3	3 3 -	5 6 2	8 9 2
Thomas Temple -	Registrar - - -	Edinburgh - - -	3	3 3 -	5 17 -	9 - -
Stair Agnew - -	Registrar General for Scotland.	Edinburgh - - -	3	3 3 -	5 17 6	9 - 6
James Shepherd -	Registrar - - -	Southport - - -	2	2 2 -	3 2 6	5 4 6
George Roberts -	Registrar - - -	Wakefield - - -	2	2 2 -	2 4 6	4 6 6
Joseph Hasler - -	Baptist Minister -	Andover - - -	1	1 1 -	- 14 -	1 15 -
James McDougall -	Congregationalist Minister.	Higher Broughtons, Manchester.	2	2 2 -	2 1 10	4 3 10
		TOTAL - - - £.		18 18 -	30 7 6	49 5 6

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Friday, 2nd June 1893.

MEMBERS PRESENT:

Mr. Griffith-Boscawen.
Mr. Jordan.
Sir John Kennaway.
Mr. Oldroyd.
Mr. Perks.
Mr. Carvell Williams.
Mr. Powell Williams.

MR. WADDY, IN THE CHAIR.

Mr. EDWARD WHITAKER, called in; and Examined.

Chairman.

1. YOU are Chief Clerk in the Department of the Registrar General?—That is so.

2. And you attend here on his behalf to give the Committee such information as he himself could give?—I do.

3. In the first place it will be desirable for the Committee to know what is the proportion of Nonconformist marriages to the total number of marriages throughout the country generally. Take the latest year for which you can give the figures?—I have the figures for the years from 1842 to 1891.

4. Is there no return for 1892?—No.

5. Take the year 1890?—In 1890 the Nonconformist marriages, excluding Roman Catholics, were in the proportion of 115 per thousand to 701 per thousand performed according to the rites of the Church of England.

6. In these figures are the marriages performed at registrars' offices excluded?—Yes, they are excluded; I can give those separately.

Mr. *Carvell Williams.*

7. You say "Nonconformist marriages, excluding Roman Catholics;" do you include the Roman Catholics among the Nonconformists?—Not in these figures; I can give the Roman Catholic marriages separately.

8. They are both non-Church of England?—Yes, of course.

Chairman.

9. First of all, what do you say was the number per thousand of marriages performed in churches?—Seven hundred and one per thousand.

10. Roman Catholics?—Forty-three per thousand.

Chairman—continued.

11. Nonconformists?—One hundred and fifteen per thousand.

12. At Registrar's Offices?—One hundred and thirty-seven per thousand.

13. You are four short?—The four is represented by Jews and Quakers, who have their own marriage arrangements.

14. Now, will you give me the figures for 1891?—For 1891 the proportions were these. Church of England marriages, 699; Roman Catholics, 42; Protestant Dissenters, 118; Register-Office marriages, 136.

Mr. *Perks.*

15. Have you got the figures for the last two decades?—Not the totals.

Mr. *Carvell Williams.*

16. Have you any comparative statement showing the increase in the number of marriages in Nonconformist chapels and at registrars' offices from the time the system came into existence?—These tables that I have before me would show that precisely, because they give the figures for each year from 1842.

17. But those tables are not before the Commtttee?—The Blue Book in which they are contained was mentioned as one of the documents which I could produce to the Committee if it was desired.

Mr. *Oldroyd.*

18. What is the title of that Blue Book?—The 54th Annual Report of the Registrar General (1891).

19. What

Chairman.

19. What page have you been referring to?—Page xxxiv.

20. With regard to the registrars themselves, how many of those registrars are there in the United Kingdom?—There are now 1,149 registrars of marriages; a certain proportion are also registrars of births and deaths; but those 1,149 are the registrars of marriages.

21. You say a certain number of the registrars of marriages are also registrars of births and deaths. Why should not they all be registrars of births, deaths, and marriages?—I am not at all sure that it would be desirable that they should be, from a registration point of view. Many registrars of births and deaths, especially in country districts, are relieving officers; and latterly the Local Government Board has objected to their appointment as registrars of marriages on the ground that their duties as such take them out of their area for relief purposes. I am inclined to think, at all events, from a registration point of view, that it is not desirable, generally speaking, that both offices should be held by the same person.

Mr. *Carvell Williams.*

22. But from the Nonconformist point of view, is not it evident that if all registrars of births and deaths were registrars of marriages, the number of available officials would be considerably increased, and thereby the existing difficulties in securing the attendance of registrars at marriages would be diminished?—There is doubtless something in that argument.

Mr. *Griffith-Boscawen.*

23. How is the registrar appointed?—The registrar of marriages is appointed ordinarily by the superintendent registrar of the district in which he acts. There is also a provision empowering the Registrar General in certain cases to appoint registrars of marriages, but that provision has very seldom been resorted to.

24. Suppose the feeling in a particular neighbourhood was that there were too few registrars of marriages, the Registrar General could interfere to appoint additional ones?—He could, and he does so interfere, usually by requiring the superintendent registrar to make the necessary additional appointment.

Mr. *Jordan.*

25. Why should not the registrar of births and deaths be also registrar of marriages?—The registrar of births and deaths is appointed by a different authority, that is to say, by the boards of guardians. It does happen sometimes for the sake of convenience, that the same man is also appointed registrar of marriages, but whether that is desirable depends very much upon the circumstances of the individual case.

26. You say it is convenient in some cases that the same man should be registrar of marriages and registrar of births and deaths, would not it be convenient universally?—I do not think it would, for this reason: The registrar of births and deaths, especially in country districts, has to take very long journeys, and if he is the relieving officer, those journeys are taken most days of the week; he cannot put off the engagements that he has to fulfil with regard to that part of his duty, and if he were summoned to attend a marriage, it would be exceedingly awkward, he would frequently not be able to keep the engagement, and would have to act chiefly by deputy.

Mr. *Jordan*—continued.

Mr. *Carvell Williams.*

27. But there is no obligation to appoint the relieving officer as registrar?—No, nor does it seem desirable that he should be appointed registrar of marriages.

Mr. *Perks.*

28. You say the Local Government Board have objected to their being appointed registrars of marriages where they are relieving officers, for the reasons you have suggested?—Yes; the objection of the Local Government Board is that if a relieving officer were also a register of marriages, he would necessarily be taken outside his relief district to attend to marriages, because the relief districts are not co-extensive with the registration boundaries.

Mr. *Jordan.*

29. The registrars of births and deaths are not always relieving officers?—No; but in a very large number of cases in country districts, the office of registrar of births and deaths is held by the relieving officer.

30. Do medical officers hold that office in some cases?—There are cases in which medical officers of unions are registrars; such cases are comparatively few now, though at one time there were many such cases.

Chairman.

31. Supposing you were to disregard the present tenants of the offices and their emoluments, and their interests, and you were to arrange upon the lines of registration districts, that there should be registrars of births, deaths, and marriages, with a definite central office in each case all over the kingdom; would it be possible to arrange matters so that there should be work enough to keep one man going in each place, to make it sufficiently renumerative to pay him and keep the thing in proper order?—In each registration district?

32. Yes; I suppose the registration districts would all be something like one another in regard to population?—That is not so; the populations vary to a very great extent.

33. You would want two registrars instead of one, in some cases?—Yes; I know some few cases in which there are six registrars of marriages in a registration district.

34. Could any such arrangements as that I have indicated be carried out?—The renumeration in certain districts would be, as it always must be, exceedingly small; but I am not aware of any objection to appointing a man to fill such a position, if you can get a respectable man to fill it. I see no objection to a man being expressly appointed for that and nothing else; and that is rather what I should hold to be a desirable course.

35. Something would depend on the number of Nonconformist chapels in the registration district?—Yes, on the number registered for marriage-solemnisation.

Mr. *Carvell Williams.*

36. Is it not the fact that all other considerations are apparently subordinated to what may be called Poor Law considerations, or to put it in another way, is not the whole system of registration very largely based upon the Poor Law administration?—Yes; that is so.

37. Which came into existence 60 years ago; the result being that the ancient arrangements are not found to be convenient in the present day.?—All the main registration boundaries have reference to Poor Law boundaries; and the Poor Law authorities appoint certain of the registration officers.

38. Am I right in supposing that the Registrar General has not a free hand in regard to many of these matters, because he is obliged to conform to certain Poor Law arrangements?—No, his action is to a great extent independent; but he has not the right to appoint superintendent registrars or registrars of births and deaths. There are certain points on which the guardians have the initial authority.

39. So he is not in a position to reconstruct the system in accordance with modern requirements?—There are certain points upon which the Registrar General can take action. For instance, if he considers it desirable to modify the boundaries of a registration sub-district, which was originally formed by the Guardians, he can, with the approval of the Local Government Board, carry out such an alteration.

Mr. *Griffith Boscawen.*

40. Do all the registration divisions which exist now, correspond to the divisions of the Poor Law Unions; is there a superintendent registrar for each Union?—That may be said to be the case generally.

41. Except where the Registrar General has interfered to alter the arrangement?—No; when I said that in some cases the Registrar General interfered, I was referring more particularly to sub-divisions, sub-districts that are worked by registrars of births and deaths.

Mr. *Jordan.*

42. I understood you to say that in some cases there were six registrars in a district; what area had that reference to?—There are very few such cases. I merely mentioned that number as being the maximum.

43. What would be the area?—I cannot tell you; there are very few cases where the number is so high.

44. You cannot fix the area in which there are six?—I cannot recall in what districts there are six.

45. And you cannot give what area that would be?—No.

Chairman.

46. Who appoints the superintendent registrar?—The Poor Law guardians.

47. The superintendent registrar, as I understand you, appoints the registrars?—That is so; the registrars of marriages, not of births and deaths. I ought to mention that all these appointments by the guardians must be such as comply with the requirements of the "General Rule" of the Registrar General.

48. When you say the Registrar General, you mean the Registrar General in London?—Yes.

Chairman—continued.

49. How many superintendent registrars have you in the Kingdom?—Six hundred and thirty-two superintendent registrars.

50. Are they in any degree controlled by the Poor Law Unions?—No, they are responsible to the Registrar General alone.

51. Is their area settled by the Poor Law Union area?—Their area is usually co-extensive with a Union.

52. Who dismisses them?—The Registrar General.

Mr. *Powell Williams.*

53. Who pays them?—They are paid wholly by fees; they are paid by fees due to them for the various offices they discharge, except that a certain allowance is made to them by the Government for the entries which they examine and transmit to the Registrar General every quarter.

Chairman.

54. It may be convenient to get what generally is the amount of those fees in each case. They get a fee for attending at a marriage?—The superintendent registrar gets no fee for attending a marriage.

55. I am speaking of the registrar?—The registrar of marriages for attending a marriage by certificate, which is very much the most common of the two processes, receives from the parties married the sum of 5*s.*, and for every marriage by licence that he attends he receives from the parties married the sum of 10*s.*

Mr. *Griffith-Boscawen.*

56. Are the fees the same whether the marriage is solemnised in a Nonconformist chapel or, at a registry office?—Precisely the same.

Mr. *Jordan.*

57. What is the practical difference between a marriage by licence and a marriage by certificate?—A marriage by licence is a quicker and a more expensive process; it dispenses with the lengthened notice that is required in the other case.

58. From whom do you obtain a licence?—The superintendent registrar issues the licence, and for that licence he receives the sum of 30*s.*

59. From whom do you get a certificate?—From the same officer.

Mr. *Griffith-Boscawen.*

60. The certificate costs what?—The certificate altogether costs only 2*s.*, that is 1*s.* for entering the notice and 1*s.* for issuing the ceritficate.

Chairman.

61. Suppose two persons wish to get married in a Nonconformist place of worship in the cheapest way; first, there is the notice 1*s.*, and the certificate 1*s.*, that is 2*s.*?—Yes.

62. Then there is 5*s.* for the attendance of the registrar?—Yes.

63. What else?—There is no other statutory fee.

Mr. *Perks.*

64. Does not the registrar who attends generally expect the parties to take a copy of the certificate?—He has no right to expect the parties to take it, but they generally do take it.

Chairman.

65. For which he is paid 2*s.* 6*d.*?—Yes.

66. That makes 9*s.* 6*d.* Suppose the parties go to a church to be married, what have they to pay?—That is out of my province. I cannot tell you what the fees are at the church.

Mr. *Carvell Williams.*

67. In the case of a licence issued by the superintendent registrar can the marriage take place immediately?—There must be an interval, must there not, of 24 hours?—In the case of a proposed marriage by licence, one of the parties, having resided in the district for 15 days, can give notice of the marriage, and the licence for that marriage may be issued on the third day from the giving of the notice, that is if the notice be given on Monday the licence may issue on Wednesday, or if a Sunday intervenes there must be an additionalal day's delay.

68. The licence having been obtained can the marriage immediately take place?—Yes.

69. The same day?—Yes.

70. In the case of a licence for a marriage in a church there is no such length of notice required; you may apply for a licence and get it and be married within an hour?—I believe you have to make an affidavit of residence.

71. But no time is required?—I fancy precisely the same length of residence is required.

Chairman.

72. With regard to certification of places of worship, any place where it is wished that marriages may be solemnized not being a church or a registrar's office, has to be certified?—In the first place the building must be certified according to law, and most chapels now are certified to the Registrar General; but the Local Government Act has authorised certification to County Councils. We have no means of knowing at present how far that has been resorted to, probably there has not been much done in that way, so we take it that most buildings are still and will continue to be certified to the Registrar General. Any building certified, according to law, after it has been used for a year as a place of religious worship may be registered for marriage solemnization.

Mr. *Carvell Williams.*

73. Why is the delay of a year necessary?—I cannot tell you why.

74. And when a chapel has been pulled down and a new one has taken its place the same process has to be gone through to obtain its registration for marriages, and the same fees have to be paid over again?—That is so.

Chairman.

75. With regard to a church—suppose a church has been consecrated and then pulled down, what process has to be gone through?—Churches are never certified to the Registrar General.

76. Marriages can be performed in them the day after they are opened?—No; this is not the case.

77. Is there any delay corresponding to that which takes place in the case of Nonconformist chapels?—A Church of England place of worship must be licensed by the Bishop before it can be available for marriage solemnization. I know that we never send marriage register books to a church, till we have ascertained positively from the registrar of the diocese, that that building is available for marriage solemnization, and I know that does not follow by any means always immediately upon the consecration of the church.

Chairman—continued.

Mr. *Carvell Williams.*

78. But it might?—I cannot tell you positively, but I believe not.

Chairman.

79. The fees are set out in the schedule to the Act?—In the Act itself; 3*l.* is the fee to the superintendent registrar upon the registration of a building for marriage solemnization.

80. And with regard to a church there is a similar fee?—I cannot tell you that.

Mr. *Carvell Williams.*

81. When a congregation leaves an old place of worship and erects a new one, they are not required to wait a year before that new building can take the place of the old one for marriages, but they are required to go though a process which involves the repayment of the fees which were paid for the old building?—Yes.

82. Can you say why that should be so?—No; it is statutory; I am not aware of any particular reason why it was put into the statute.

Mr. *Jordan.*

83. To whom does the 3*l.* go?—To the superintendent registrar.

84. The superintendent registrar of the district?—Yes; he has no salary.

Mr. *Oldroyd.*

85. Who defrays the cost of the books which you issue for registration?—The Government, we issue them from our office.

86. The cost of them is charged to the public accounts?—Yes.

Mr. *Perks.*

87. Is that universally the case both for Churches and Chapels?—We furnish all the registration books.

88. Do you make any charge to Nonconformists which you do not make to churches?—No; those books are all furnished gratis to the clergy and to the registrars throughout the country.

89. But not to Nonconformists who keep registers at their own chapels?—If they keep registers at their own chapels they do so at their own expense.

Chairman.

90. Suppose you have got a chapel properly licensed, what steps have to be taken for the purpose of getting a marriage solemnized?—When the day fixed for the marriage is approaching, one of the parties should apply either to the superintendent registrar, or, which is better, direct to the registrar of marriages himself to attend at the proper time.

91. Is there anything analogous to that in the requirements

Chairman—continued.

requirements when a marriage is celebrated in a church?—I presume so; I presume there must be an appointment always made with the officiating clergyman.

Mr. *Carvell Williams.*

92. Who is on the spot?—Not necessarily so.

93. He resides in the parish; whereas in the case of the registrar he may be several miles away?—Yes.

Mr. *Powell-Williams.*

94. In both cases the attendance of the minister is required; but there is no corresponding requirement in the case of a marriage in a church to that in the case of a Nonconformist marriage, in regard to getting the attendance of the registrar?—In the case of a Church of England marriage the clergyman is the registrar; he records the marriage.

Chairman.

95. Will you continue what you were saying in answer to my question; the first step, you say, is to give notice to the superintendent registrar, or, best of all, to the registrar of marriages direct?—Yes, because the opposite course frequently, occasionally at any rate, leads to misapprehension. Then, the party having obtained his authority from the superintendent registrar for the marriage, that is to say, the certificate, or the licence, should make an appointment with the registrar of marriages for his attendance at the marriage; and also he should let the minister know that there will be a marriage at the chapel at which his attendance is required.

Mr. *Carvell Williams.*

96. To whom should the certificate be given when the requisite notice has been given, and no objection has been taken?—The certificate or licence is delivered to the registrar as his authority for allowing the marriage to proceed.

97. That process having been gone through, what becomes of the certificate which the superintendent registrar grants?—It remains, in the possession of the registrar of marriages, who has to produce it to the Government inspectors when they visit him, and it is retained a certain number of years.

98. I am speaking of what happens prior to the marriage; who takes possession of the certificate when it has been granted?—It is handed in the first place to one of the parties to the marriage, who has to deliver it to the registrar as his authority for the marriage.

99. Then, if a case has happened where it was not handed over to the parties, but remained in the possession of the registrar, and the registrar failed to produce it, he was guilty of a breach of duty?—The authority for the marriage is issued by the superintendent registrar, and handed to one of the parties about to be married, who has to deliver it to the registrar attending the marriage.

100. If the superintendent registrar failed to deliver it to the parties, and as a consequence it was not forthcoming when the marriage should have taken place, that was a breach of duty, I

Mr. *Carvell Williams*—continued.

presume, on the part of the superintendent registrar?—If all the legal formalities had been gone through, and he was applied to to issue it, and he failed to issue it, it would be a breach of duty on his part.

101. That is not the case I am putting; I am putting this case: all the formalities have been observed, and the certificate has been filled up, but, instead of being handed over to the parties, it has remained in the hands of the superintendent registrar, and as a consequence was not forthcoming when the marriage was to take place; that would be an irregularity on the part of the superintendent registrar?—Yes, if it had been applied for.

Mr. *Griffith-Boscawen.*

102. Have you ever heard of such a case as that?—No, I never remember such a case.

Mr. *Powell-Williams.*

103. Might not such a case as that happen also where the parties were about to be married in a church?—Yes.

Chairman.

104. It was either an accident or an irregularity?—I presume so.

105. What means are there of securing the attendance of the registrar, who is under the existing state of things indispensable to the performance of the ceremony; supposing the registrar says, "I cannot come, I have an engagement somewhere else," what means is there of securing the attendance of the registrar?—Every registrar of marriages, with rare exceptions, is required to appoint a deputy, and if he cannot attend himself he must call upon his deputy to attend and act for him; or, supposing that they were both unable to act, it would be his duty to communicate with another registrar of marriages; but I think the case very seldom happens, if ever, where both are unable to attend.

106. I do not suppose such a thing ever happens as a man being so cantankerous as to refuse to attend; but what means are there of securing his attendance?—If he committed such a breach of duty he would be liable to be removed from his office.

Mr. *Carvell Williams.*

107. It is his duty either to attend himself or to see that some properly authorised person attends for him, and he cannot plead his own convenience?—If he cannot attend himself he must see that his deputy attends, or some other registrar of marriages.

Chairman.

108. With regard to the celebration of marriages in chapels, are marriages ever celebrated in chapels without any minister at all, by the registrar alone?—Yes. I have made some inquiries about that; I cannot give any general statistics upon the subject, but I have just had the returns from Wales for a recent year gone through, because it is in Wales that that chiefly happens, and I find that between 13 and 14 per cent. of the marriages solemnized in Wales in Nonconformist chapels take place in the absence of any minister. I made some inquiries as to

Chairman—continued.

the causes of this, and I found the most common answer was, that there was no resident minister in connection with the chapel. There are also other cases in which there is a resident minister, but neither he nor the parties appear to attach much importance to his presence.

109. With regard to the general working of the Acts as they now stand, is it satisfactory to the Department you represent from a registration point of view?—From a registration point of view the present arrangements as to Nonconformist and other civil marriages are highly satisfactory, standing in very favourable contrast to those which are in existence with regard to the Church of England. Registration in churches has been very far from satisfactory; but the experience of 56 years of the existing provisions for civil registration, including, of course, those marriages which take place in Nonconformist chapels, has been that the system works very satisfactorily.

110. Have you in the Department from time to time had complaints from Nonconformists, in regard to the existing arrangements as regards marriages in Nonconformist places of worship, and have you heard of any desire being expressed for an alteration in those arrangements?—We have had complaints, but there has seldom been anything mentioned as regards desired changes. When we have had a complaint, it has usually been some specific complaint about the failure of the registrar of marriages to attend on some special occasion. I was looking to see how many of such complaints had been submitted to the Registrar General, and I find that since the beginning of 1891, that is, in about 2½ years, we have received 16 complaints from different parts of the country.

111. Can you give me the number for 1891?—I have not distinguished them.

112. You have not given us the total number of marriages at Nonconformist places of worship in 1890 and 1891; you only gave us the number per thousand?—In Nonconformist chapels alone the number of marriages in 1890 was 25,703.

113. And in 1891?—Twenty-six thousand six hundred and forty-two.

114. You cannot give us them for 1892?—No.

115. The character of the complaints you have had, you say, has been chiefly with regard to the non-attendance of the registrar when duly warned?—Yes; non-attendance and want of punctuality.

116. Are those the only complaints you have had?—No; there have been complaints of misconduct in one or two cases, followed by the removal of the officer. Investigation has, of course, always followed the complaints, and in some of them it has been found that the registrar was specially deserving of censure. Of course, extreme action would not be taken against a registrar for the first offence.

117. Is there any suggestion which the Department has to make to us in regard to the way in which matters might be improved so as to get rid of the complaints?—We desire to point out, in the first place, that the number of complaints is excessively small, considering the number of marriages attended and the number of officers in question.

Chairman—continued.

118. Still there is the sentimental difficulty, as it has been frequently called; that would not come before you; but I want to know whether, bearing that in mind, you have any suggestion at all to make to us on the part of the Department as to any way in which that or any other difficulty could be got rid of?—What you refer to really is not a point that comes before the Registrar General; but his anxiety is, that in any proposed change of the law relating to these subjects the experience of 56 years of registration may not be lost sight of, and that no action may be taken detrimental to the registration, which has been carried on so far as Nonconformists are concerned with very great success, undoubtedly, all this time.

Mr. *Carvell Williams.*

119. Are you speaking of registration, or the entire system of marriage?—Of registration; we look at it from that point of view.

Chairman.

120. You are aware, of course, that there is a strong complaint, whether reasonable or not, that there is a difference between the prerogative of a clergyman in an Established church and that of a minister in a Nonconformist place of worship; the Nonconformists complain of that, and say that some alteration should take place with regard to it, to put them both on the same level; have you on the part of your Department anything to say on that particular point?—I have a short statement before me which the Registrar General has desired me to ask leave to read, setting forth precisely what is his view of the matter.

121. Upon that point?—The Registrar General says in the statement all that the Department can say approaching that point. We are concerned, of course, with the matter from the registration point of view. The anxiety of the Registrar General would be to protect registration in view of any possible alteration of the law.

Mr. *Powell-Williams.*

122. You stated that from the point of view of registration the system in operation in Nonconformist places of worship is by far the more satisfactory?—Yes.

123. That implies, does it not, that there is a defect in the Church of England system?—Yes.

124. Will you be good enough to tell me in what respect the registration of marriages in the Church of England is defective?—The principal objection is this, that the registration is not effected by a civil officer who can be made to follow certain simple rules which it is found necessary to enforce.

125. That is a general statement; but will you let me take you a little further into detail; is the registration inaccurate?—Yes, to a very large extent.

126. In what particulars?—In various particulars that I could detail if you wished.

127. Perhaps you will be good enough to give instances of the sort of inaccuracies you are referring to. I am now speaking only of registration as it is carried on in relation to marriages in the Church of England?—I have some memoranda

Mr. *Powell-Williams*—continued.

randa before me of various irregularities which have come before the Registrar General with regard to church marriage registration.

128. May I take it that the same irregularities do not come before him in relation to Nonconformist registration?—Certainly; not many of them—not the most serious—it would not be allowed, for instance, leaves torn out from register books.

129. You say "It would not be allowed;" do I understand you to mean by that that you have authority over the registrar in the one case which you cannot exercise over the clergyman who is the registrar in the other case?—Most undoubtedly, we can only advise the clergyman.

130. Could not you appeal to his bishop?—No; we have no such authority. Then another irregularity has been spaces passed over in the register books, causing the dates of marriages to appear out of order; then errors corrected by methods that are not statutory methods.

Chairman.

131. By scratching out? — By all sorts of methods. Errors in marriage-registers can only be properly corrected by one method prescribed by the Act of Parliament.

132. What is that?—By marginal correction in the presence of witnesses. Then another irregularity is, books not kept in duplicate as they are required to be in the case of Church marriages by statute. Then there are some losses of register books.

Mr. *Powell-Williams.*

133. Have you had any cases of omission to register at all?—I have had before me such cases, but rarely.

134. Have you known cases of negligence in taking care of the books themselves?—Frequent cases.

135. To the detriment of the record?—Yes, the books have been allowed to get damp, and they have been injured in that way.

136. Are we to understand that in the opinion of the Registrar General the system under which Nonconformist marriages are registered does not to anything like a corresponding degree admit of these defects?—That is so beyond all question.

Mr. *Oldroyd.*

137. You mean, speaking generally, that the institution of the system of registration has procured more accuracy of detail than obtains in the Church without official registration?—Yes.

138. You say during the last two and a half years you have had 16 complaints of irregularities on the part of your recognised registrars?—Yes.

139. Have you no cognizance of any other irregularities or complaints?—Only of minor errors committed by the registrars in their returns, and so on; we are always in correspondence with them.

140. Those minors errors are detected in your office by the inspection of their returns?—Yes.

141. I am speaking of complaints on the part of the public?—No; those 16 complaints represent all the complaints from outside.

142. Those 16 cases would include all cases where parties have made complaints of having had to wait a long time for the arrival of the registrar?—Yes; those 16 cases embrace all such instances that have been brought before the Registrar General.

Mr. *Oldroyd*—continued.

143. I judge from your statements in reply to the honourable Member who last put questions to you that you consider the more accurate registration in Nonconformist places of worship as compared with that in churches to arise from the authority which you are able to exercise in the one case and which you are not able to exercise in the other?—Yes.

144. And from a registration point of view are we to consider that as regards civil registration the Registrar General thinks there is very little room for amendment to secure still greater accuracy?—So far as civil registration goes the Registrar General is decidedly of that opinion; he is not aware of any system that has been suggested better than the one we have.

145. So that whatever might be done in the way of endeavouring to remove what the Chairman has called the sentimental grievance the Registrar General would not recommend any alteration of the system?—No.

Mr. *Carvell Williams.*

146. You were asked in what respect registration by clergymen in the Establishment was defective, and you gave a very general answer, I think. Do you call to mind the fact that during the present Session a Return has been presented to the House of Commons on the motion of Mr. Picton, giving specific information?—I have that return, but it was pointed out that when that was made it would necessarily be very misleading.

147. The Registrar General in the observations which he submitted to the Commissioners on the laws of marriage in 1867 made this statement: "Ecclesiastics, from the experience I have had of them, cannot be considered expert at what may be termed this civil duty of registration. During the last 23 years I have seen the copies of registers made annually by upwards of 12,800 clergy of the Established Church; they are bad registrars, and the numerous and extraordinary mistakes they make, rendering their register books of much diminished value as public records, are marvellous. If the clergy of the Established Church were relieved from this duty of registering marriages in duplicate, they might, perhaps, be induced to make these important records more accurate and more legible than at present; for now, owing to the bad writing of the ecclesiastics, names frequently cannot be read, and, consequently, in the General Index errors occur; and when, in future years, the names are sought for, spelt as they ought to be, they cannot be found. In attempting to obviate this, many duplicate names or aliases are entered in the great general index of marriages, causing much trouble. The civil registrars of marriages write much more legibly." Does the modern experience of the Department of the Registrar General bear out that statement, or has there been a substantial change for the better in that respect?—The statement is entirely borne out by recent experience; there may be perhaps some amount of improvement; but what is said there is still perfectly true at the present time to a very large extent.

148. With regard to complaints, I suppose you do not imagine that those 16 complaints which

Mr. *Carvell Williams*—continued.

which have reached your office in two and a-half years exhaust all the cases in which complaints might have been made, for this reason, among others, that those who make complaints know that they are likely to get the registrars into trouble. Therefore they are very likely to refrain from making complaints to the Registrar General, though they might be made in other quarters?—We have no knowledge of any causes for complaint, except those which are brought before us.

149. You would not say that those 16 complaints were exhaustive?—We simply know nothing about whether they are or not.

150. With regard to giving notice of marriages, am I right in saying that notices may be forwarded through the local registrar to the superintendent registrar?—Yes.

151. Is the local registrar bound to accept them and forward them, or does he only do so as a matter of courtesy?—Every registration officer is made by statute the attesting witness to a notice of marriage; and if he is called on to discharge the duty of attesting a notice of marriage it is his duty to do it.

152. Is it the duty of the registrar to forward the notice to the superintendent registrar, or does he do it only as a matter of courtesy?—He is bound by statute to attest it; but as regards the forwarding of it it is a mere matter of courtesy. The duty rests with the parties to do it; the registrar is not bound to do it; if he does it, he does it as a matter of courtesy.

153. If he fails to do it as a matter of courtesy, then the person giving the notice has to travel to the superintendent registrar?—It would be open to him to send it by post if he pleased, but the notice must be given to the superintendent registrar.

154. Who may be resident in a distant town, not very accessible?—Yes.

155. And that part of the process having been completed, the party giving the notice has to make another journey to that distant place, in order to make arrangements for the attendance of the registrar at the marriage?—The registrar is not bound to transmit the notice at all; he may volunteer to do so.

156. I am speaking of a case in which he does not choose, for whatever reason, to send the notice, and therefore the parties have to take it themselves. In some cases they would have to go a considerable distance and to places inconvenient of access in order to give the notice?—There would be a few such cases probably but not many; I visited every registration officer in the country as inspector during 19 years; and I do not think that many cases could be found of that sort of thing. It is the common practice when the distance is considerable to send the notice to the superintendent registrar by post.

157. Supposing that that is true with regard to notices of marriage, and with regard to making arrangements for the attendance of the registrar at the marriage, what I have described must often happen, namely, that parties have to travel a considerable distance in order to make arrangements for the attendance of the registrar?—Not necessarily; they might arrange with him by post, there would be nothing to prevent them doing that; they usually do so.

Mr. *Carvell Williams*—continued.

158. Am I right in saying that the question of convenience to parties wishing to effect a marriage in a Nonconformist place of worship does not enter at all into the arrangement of the Registrar General, and that all the arrangements are made to fit in with the Poor Law system?—No, by no means. The Registrar General has a control in the way of seeing that the places where the registrars reside are convenient for the public. The Registrar General, if it was brought to his knowledge that there was any arrangement in the case of any particular registrar which was inconvenient, would require another arrangement, perhaps the appointment of another registrar.

159. But the onus of objection would be thrown upon the public?—Until some objection was made we should, in all probability, accept the appointment of a registrar by the superintendent registrar; provided the conditions of the "General Rule" for such appointments were fulfilled.

160. Without much regard to the convenience of the public in the matter of distance?—No, not without regard to it; the question of the situation of the registrar's dwelling would, no doubt, be taken into consideration.

161. The registrar is not entitled to demand his travelling expenses in attending at a marriage?—No, the registrar gets nothing for travelling expenses whatever.

162. Have you heard of cases where a demand for travelling expenses has been made?—No. It is very often lost sight of that registrars in country districts have to travel long distances without any remuneration except the fee that they receive for the marriage.

163. The fact that they have to travel long distances of course increases the risk of failure to keep engagements or to be punctual?—That may be so.

164. You admit that these functionaries do reside at long distances from the places where their services are required?—Their place of residence may be perhaps at a long distance in some cases from the place where the marriage is to be performed.

165. You consider the attendance of a registrar at Nonconformist marriages essential to the maintenance of a complete system of registration?—Yes.

166. You cannot imagine any other system that would secure the same result as regards registration?—Not in the same satisfactory manner.

167. Do you say that, after considering the results of another system in other parts of the kingdom?—I assume you are referring to the Scotch system. I do not know anything about the details of the Scotch system, but we should say that the Scotch system cannot be so complete and satisfactory by any means as ours in the matter of registration of marriages.

168. Do you say that *a priori* or as the result of knowledge and experience?—I have no acquaintance with the working of the Scotch system.

Mr. *Perks.*

169. You are aware that under the Marriages (Scotland) Act 1878 ministers in Scotland were allowed

Mr. *Perks*—continued.

allowed to celebrate marriages without the presence of a registrar?—Yes, I know the fact; but I do not know anything about the working of that Act.

170. And you know that under the Irish Marriage Act of 1863 ministers in Ireland could marry persons in Nonconformist chapels without the attendance of a registrar?—Yes. I have no knowledge of the practical working of that system.

171. What are the sort of minor errors which you say you are always in correspondence with your registrars about?—It was hardly suitable, perhaps, to mention them in such a connection. We have a regular staff of examiners always going through the returns made to us and little errors may be discovered and a correspondence may take place in relation to them.

172. You mean were clerical errors, I suppose?—Yes; mainly so.

173. That is always going on, you say?—Yes.

174. That is to say with your own civil registrars?—Yes; but to a very much larger extent with the clergy.

175. Still with your own men you are always in correspondence on these errors?—I think I have perhaps dwelt upon that rather unnecessarily. Of course, a certain amount of correspondence is always going on with the registration officers all over the country.

Chairman.

176. On mistakes?—Clerical errors, or apparent irregularities and informalities that need explanation.

Mr. *Perks.*

177. I suppose they are of daily occurrence?—They would, perhaps, be literal discrepancies as regards names, unfinished words, or informal insertions of various kinds that have to be pointed out for future avoidance, but which belong to a totally different category from the important errors I was speaking of before.

178. With regard to Quakers and Jews, have you any experience of their registers?—Yes.

179. Are they well kept?—The Quakers and Jews now register in duplicate in the same way that the clergy do. The original books never come specially under our observation.

180. You have no reason to think they are irregularly or imperfectly kept?—No. Our experience of Quaker registration in the past is that it is admirably done. We have a large number of old records which have been beautifully kept.

181. They have no registrar in attendance at Quaker marriages?—No.

182. And yet the registration is admirably done, you say?—I am not speaking so much of the present registers, we really do not know much about the originals of those. I was referring more particularly to the Quaker records of former years which are deposited in our office, those have been beautifully kept.

183. Your successors will probably refer to the present registers with equal admiration?—I daresay they may if the Quakers are still maintaining their former painstaking in the matter of registration.

Mr. *Perks*—continued.

184. Would what you say of the Quaker registers apply to the Jews' registers?—Again we very seldom see any of the Jews' original registers. Those that have come under my notice have not been particularly well kept.

185. Besides the complaints that would come to your office there might, I suppose, be complaints that would go to the superintendent registrars in the localities?—Yes.

186. Do you think that the exclusion of the registrar from Nonconformist chapels, should it be accomplished, would tend to weaken people's faith in the correctness of the registers which are kept?—There can be no doubt about it.

187. And that would, therefore, probably drive people who preferred accurate registration to the registrar's office for marriage?—That might be the result.

188. That would be an advantage to the registrar; he would still get his 5*s.*, would he not?—It would, of course, depend on what the statutory provisions were.

189. If there was no interference with the present fees he would still get his 5*s.*?—Yes.

190. And he would not have to take these long journeys?—No.

191. That would be an advantage to him?—So far.

192. Consequently he would have nothing to complain of?—That would not be the case in all instances; it would involve, of course, in populous places a very considerable loss to the registrar of marriages if he did not attend the chapels.

193. You say that in Wales 13 or 14 per cent. of the marriages are conducted by the registrars without any minister at all being present. Is it not the fact that in Wales some of your registrars are themselves ministers?—Yes; in some cases.

194. Have you excluded them in your 13 or 14 per cent.?—No.

195. In everyone of the cases comprising the 13 or 14 per cent. may not the registrar have been a minister of religion?—No; in the first place there are very few registrars who are ministers—there are some—they would be a small number.

196. Are you aware of any such cases in England?—Yes; but not to anything like the same extent.

Mr. *Jordan.*

197. May I take it that the presence of a registrar at Nonconformist marriages is statutable?—It is provided for by statute.

198. Do you still think that it is necessary in order to ensure a correct registration of marriages that a registrar should be present at Nonconformist marriages?—Yes; the conviction of our department is that if any change were made whereby he was not required to be present it would be very greatly to the detriment of registration.

199. Bearing in mind what you have told us in relation to Quakers and Jews, and having regard to the fact that in churches the registration is done fairly well, do you maintain that it is necessary, in order to get correct registration in Nonconformist chapels, that a registrar should attend at the marriages?—In spite of exceptions,

Mr. *Jordan*—continued.

it is plainly shown that clerical registration is not by any means satisfactory, and it would be all the better if it were necessary that the civil registering officer should be present at the time and place of marriage, even in a church.

200. Then in saying so, as you did, that from a registration point of view, the present system of civil registration is highly satisfactory as compared with registration in churches, do you suggest that the system in churches should conform to that in Nonconformist places of worship, and that a registrar should attend at church marriages?—Our opinion is that that is the direction in which any change should be made, if any change is made at all.

201. From a registration point of view, you would prefer that a civil registrar should attend at marriages in churches?—It would be a far more satisfactory change than a change in the opposite direction.

202. In the interest of registration, do you consider it advisable or equitable that two modes of registration should continue to obtain in reference to different sections of Her Majesty's subjects?—I am afraid I cannot offer an opinion upon that subject, except as it is regarded from my Department.

203. Do you think it desirable that there should continue to be an inequality of treatment in two classes of Her Majesty's subjects in relation to registration?—We should prefer an equalisation of the matter.

204. In the direction you indicate in relation to churches?—Yes.

Mr. *Griffith-Boscawen.*

205. Am I right in putting what you have stated in this way, that there are really practically two kinds of registrars now, your civil registrars and the clergy; that the clergy are just as much registrars as the civil registrars, but the clergy do their work badly, and the registrars under your department do it well?—Yes.

206. At the present moment Nonconformist marriages are far better registered than marriages in churches?—Yes.

207. And you think that is certainly due to the fact that a registrar is present?—That is one of the elements.

208. In other words, in Nonconformist places of worship, the registrar is a civil registrar, and not an ecclesiastical registrar?—Yes.

209. Supposing this Bill passed, do you believe that the superiority of registration in Nonconformist places of worship, as compared with registration in churches, would disappear?—That is our belief.

210. At the present moment in churches the clergyman is the registrar. If this Bill passed I take it the minister must be the registrar to do the work at all satisfactorily?—You are speaking of the Bill of the present Session?

211. Yes?—The person officiating would not under that Bill be much concerned with the registration.

212. Who would?—It would be done by a registration officer. There was a proposal that

Mr. *Griffith-Boscawen*—continued.

the entry should first be made out by a registration officer, and then, after the celebration, should be completed in the presence of the minister, and subsequently transmitted back to the registration officer.

213. Would it not be well, in your opinion, that there should be one definite person to perform the office of registration at all places of worship?—I should be decidedly in favour of such an arrangement.

214. As regards these chapels in Wales and elsewhere, where you said there was no minister present at the marriage, I take it in those cases the marriage is performed entirely by the registrar?—If there is any religious ceremony we have no cognisance of it.

215. There is no religious ceremony?—There may or may not be. In some cases, I believe, there is none at all. In other cases, some official of the chapel may go through a religious ceremony.

216. In that case clearly, even if this Bill were passed, the registrar must attend, because the minister is not present?—Yes; this Bill makes no provision for such cases as that, I think.

217. You say, in such cases practically, you have no cognisance of any religious ceremony at all being performed?—Quite so.

218. You said, I think, that between 13 and 14 per cent. of the marriages solemnized in Nonconformist chapels in Wales took place in the absence of the minister, and you stated that the absence of the minister was sometimes due to the fact that there was no resident minister?—Yes.

219. Can you tell me in how many cases that would be so?—No; we have no statistics as to that.

Mr. *Oldroyd.*

220. In the regulations for registry of marriages, reference is made to the special class of ink that is to be used; is not that so?—That is so.

221. I suppose that is for the purpose of securing permanence of record?—That is so.

222. Have you any case among the 16 cases of irregularity to which you have referred us, bearing upon the question of the ink used by the registrar?—No.

223. Supposing the registrar attends the marriage ceremony and comes unprovided with the official ink, and in consequence, the ceremony has to be delayed or postponed; would you consider that an irregularity?—Decidedly so.

224. Have you in the course of your official experience come across a case of that kind?—No. I have had, from time to time, to censure registrars for having made entries in bad ink.

225. Can you easily distinguish the official from ordinary ink, such as Stephen's blue-black ink?—I do not know that you can always do so; but sometimes, at any rate, you can.

226. But you say you have no knowledge of such irregularity; you do not remember among the 16 cases you have given evidence of, or among any previous cases, a case having occurred where the whole wedding party had to wait until some messenger was sent for the registrar's ink?—No; no such case has come before us.

227. Would you be surprised to hear that such a case had occurred this week?—Yes, I should; because

Mr. *Oldroyd*—continued.

because I should have imagined that the registrar would rather use indifferent ink than keep the people waiting.

228. Would you consider it an irregularity first to keep the people waiting until a messenger was sent for the official ink, and on the return of the messenger with ink which was not official ink, using unofficial ink?—Yes; that would be a double irregularity on the part of the registrar, first in not providing himself with the authorised ink, and then in using that which was not official.

229. Then, any known irregularities of this kind must be added to the officially recorded irregularities you have given us, seeing you have never heard of a case of this kind?—Undoubtedly if that has occurred it was an offence on the part of the registrar, and if it were brought to our notice officially he would be called to account.

Mr. *Powell-Williams.*

230. Is the Church of England fluid as a whole, satisfactory?—Very far from it.

Mr. *Perks.*

231. You stated, I think, that if this Bill were to pass there would be an omission in regard to those Welsh cases you refer to, and there might be a case of no registrar and no minister present?—Yes.

232. I should like to direct your attention to Section 5; I think you will see that there is no such omission; the Bill provides exactly for that sort of case. Has you attention been directed to the fact that this Bill which was the Government Bill of last year also, is based on the Scotch and Irish law of 1878 and 1863?—No; we have carefully examined the Bill and gone through every line of it; but I was not aware personally that it was based on previous legislation.

233. It throws the duty of registration on to the existing officer, the registrar, who prepares the return, and that comes back to him from the minister or person who officiates at the marriage?—Yes.

234. You seemed to think it would assimilate marriages in chapels to the present system of marriages in churches?—No, I did not intend to convey any such impression.

Sir *John Kennaway.*

235. What is the cost of these registrars altogether to the country?—Nothing, except a very small sum allowed them by Government for certain expenses, amounting in all to not more than 150*l.* a year.

236. Is it all paid by fees?—Yes, entirely so. There is no payment by Government to registrars of marriages, with the trifling exception mentioned.

Mr. *Carvell Williams.*

237. Do you suppose the members of the Church of England generally would submit to have a registrar imposed upon them, or is the opinion you have expressed a pious opinion rather than a practical one?—I cannot say.

Chairman.

238. I understand you have a memorandum which you propose to read, but before you do so there is one question I should like to ask, as the outcome of what you have said. Of course, the registration which we have been talking about all this time is registration by an officer present at the time of the marriage. I do not know whether your attention has been drawn to the question whether it would be possible, and if possible, desirable, to insist by law upon registration of marriage as an independent ceremony, at a different time and place, just as you compel people to register either births or deaths. I should like to know if your attention has been drawn to that question, and, if so, which is the better system according to your view; to insist upon the registrar being present at the marriage, or to separate the ceremony entirely from the question of registration, and have the registration either the day after or the same day, making it compulsory by fine, exactly in the same way as you would do with births or deaths. Would that in your view be possible or desirable?—Yes, I think so, provided certain conditions which I shall submit in my statement were fulfilled.

Mr. *Powell-Williams.*

239. Perhaps I may supplement that question by another: would it not be possible to institute a system under which the registrar at his office should take the full particulars relating to the marriage, leaving it for the clergyman or minister officiating at the marriage, to certify on the certificate that the marriage of the parties as stated on that certificate did take place that day?—We should hold that that would introduce an element of risk into the matter, as I shall show in my memorandum.

Chairman.

240. Perhaps you had better read the memorandum at once?—"For 56 years past Nonconformist marriages in England and Wales together with others performed on civil authority have been registered by the following method: firstly, on the sole responsibility of a civil officer furnished with detailed regulations for his guidance, bound by statute to obey these regulations, and removable from office by his chief if he fail to do so; compelled to appoint a deputy to act for him in case of his illness or absence, and liable to receive unannounced visits from Government inspectors; secondly, at the time when, and on the spot where, every such marriage has taken place; thirdly, in the presence, and on the information of both parties married; fourthly, in bound registrar books, each book containing spaces for entries which are consecutively numbered from the first space to the last. It has been amply proved to the Registrar General that the principles involved in this method are those best calculated to secure an accurate registration of marriages. Church marriage registration which is effected by the clergy under statutory provision, but not under the effectual control of a civil authority has been attended with much error and irregularity. This has arisen solely, because it has not been possible to enforce on the clergy simple registration rules such as civil officers can be

Chairman—continued.

compelled to observe. Great importance attaches to the completion of a marriage register at the time and place of solemnization. Any plan whereby that which is to form the legal marriage record should be transmitted to the registrar after the celebration, would introduce an element of risk and uncertainty into the registration. It would create possibilities of the accidental loss, and opportunities for the fraudulent suppression of legal proof of the marriage. It would be a distinctly retrograde step in English marriage registration, all of which (except, perhaps, a few cases among the Society of Friends) has for 56 years been effected in the manner now contended for. Great importance again attaches to the writing of the register in the presence of both parties married. One of the plans proposed for the purpose of dispensing with the registrar's attendance at Nonconformist marriages, has been to make the permanent register consist of a 'return,' to be written out on the issue of the certificate or licence for marriage by the registration officer granting that document. This he would be obliged usually to do on the application of only one of the parties. Thus numerous errors would arise in the 'returns,' as they now do in the notices of marriage which are ordinarily given when only one of the parties is present; but under the scheme in question the registrar would have no opportunity to correct these

Chairman—continued.

errors, which under the present system it is a most important part of his duty to do, on oral communication with both the parties at the time of the marriage. The registration principle here defended, like the last referred to, has been general in England and Wales during the period already mentioned. Registration in bound register books which are in the permanent custody of responsible officers, and which are divided throughout into consecutively numbered spaces for entries, could not manifestly be with advantage exchanged for any system in which the registers would consist of loose sheets having to pass through many hands before reaching their ultimate custodians. The 56 years' experience of the Registrar General's department points to the conclusion that any change of law respecting marriage registration should be in the direction not of altering the main existing arrangements for recording Nonconformist marriages, but by extending those or similar arrangements to the registration of all marriages solemnized in England and Wales."

Mr. *Carvell Williams.*

241. Does the memorandum you have read contain your views or the views of the Registrar General?—The Registrar General authorises me to say that this precisely expresses his views on the subject, as it does my own.

Tuesday, 6th June 1893.

MEMBERS PRESENT:

Mr. Jordan.	Sir Francis Powell.
Sir John Kennaway.	Mr. Carvell Williams.
Mr. Oldroyd.	Mr. Powell-Williams.
Mr. Perks.	Mr. Waddy.
Mr. Picton.	

MR. WADDY, IN THE CHAIR.

Mr. ALFRED JAMES SHEPHEARD, called in; and Examined.

Chairman.

242. TELL us, if you please, what is the capacity in which you appear here to-day?—I am here as the secretary of the Protestant Dissenting Deputies, an old body which has existed for about 150 years, and is made up of representatives from the Nonconformist chapels in London of three denominations, Presbyterians, Independents, and Baptists. That body has for many years past, 30 years to my knowledge, been interested in this marriage question, and has taken note of what has passed in the country districts as well as in the towns; so that I do not speak from merely London information.

243. Has any record whatever been kept in the office over which you preside with regard to the statistics of these marriages, and of any complaints with regard to them?—I have not kept any distinct records, but I have had notes from time to time in connection with conferences; and a great deal of information has come to me in my capacity as secretary, and from persons knowing that my deputies have been interested in this question.

244. Are you able to say from the means of knowledge at your command whether there is or is not any widespread dissatisfaction amongst the Nonconformist bodies with the present state of things?—There is no doubt about that; I can speak positively as to the fact, that there is a very large amount of dissatisfaction, and widespread.

245. First of all, in what way does it manifest itself, and then from what does it arise?—If I might, I should like to put it under five heads as to how the dissatisfaction manifests itself. There is first of all the inconvenience in fixing appointments suitable to the parties celebrating the marriage, the minister officiating, and the registrar; that is, practically, three sets of persons.

Sir *Francis Powell.*

246. Three sets, you say?—Yes; there are the persons to be married, the minister, and the registrar. Then the second head is the non-attendance of the registrar, or his delay in attendance; thirdly, the expense involved in securing his attendance; fourthly, the conduct of the registrar at or in connection with the marriage; and then, fifthly, the general objection, on the ground that the Nonconformist minister is placed in an invidious position when compared with the clergymen of the Established Church.

Sir *Francis Powell*—continued.

247. Now, with regard to the inconvenience in fixing appointments, which was the first thing you mentioned; of course you always have the possibility of some inconvenience when you have to make an appointment with a clergyman or a registrar, or whatever he may be; but what is the special difficulty of Nonconformists with regard to the present state of things?—The special difficulty is particularly with regard to country districts in dealing with the registrar. Of course in London you have the persons resident probably in the same parish or district, the minister close at hand, and the registrar not very far off; that is the case in London and large towns, but in the country districts it is altogether a different thing. The minister will probably be near the parties, and the chapel will be near, but the registrar is frequently many miles away from the parties and the place where the marriage is to be celebrated. That involves, of course, a journey to the registrar in connection with the preliminaries, and when it comes to be a journey across country for a good many miles the Committee will see that it is a troublesome affair.

248. A journey?—A journey, sometimes of some miles to get to the registrar's office to give the notice and arrange for the preliminaries of the marriage.

Chairman.

249. Though it comes more naturally, perhaps, in the evidence which we should have got from Mr. Whitaker the other day, probably you can tell us from the inquiries you have made about what area is covered in an agricultural district by the supervision of (say) one registrar?—I do not think I can give that with any certainty. I should like to read, if I may, two simple statements (which may probably answer your question) of facts which have actually occurred, illustrating this difficulty. I do not think that I can speak generally as to what distances are covered by a registrar.

250. I want, and I dare say the Committee want,

Chairman—continued.

want, to see exactly what the grievances are in each case, apart from those things which are exceptional; therefore, I want to get at the principle in the first instance; you must have some authority, it would never do with regard to marriage to leave it entirely loose, from whom a certificate or license, call it what you will, is to be obtained; and in an agricultural district you cannot reasonably expect, can you, to multiply those persons who give the legal documents; you cannot expect to multiply them so there shall not be any considerable journey involved?—I think, speaking from general knowledge, that the superintendent registrar is generally the same person as the clerk to the guardians, and therefore the registrar's district would be the area covered or the district governed by a board of guardians. That, of course, is very large; it is not a parish, or if it is, it is one of the old parishes covering a number of district parishes.

251. You would not contemplate having a registrar, would you, or some person to perform these duties in every parish, or anything like it?—It would ease those difficulties; but I can understand that there would be special difficulties on the other hand raised. The Registrar General would be sure to think that the multiplication of officials like that would be objectionable.

252. And it would be difficult now to find persons qualified; you have told us that that does not affect you so much in the populous towns, but it does in more sparsely populated districts; and, therefore, I want to bring it if I can to the test there?—I do not think myself that there would be any difficulty in finding persons qualified in much larger numbers than we have at present. You would find a solicitor in every few miles in the country quite qualified to act as superintendent.

253. Perhaps you had better give us now what you consider to be your typical cases; were these two cases that you speak of reported to the Registrar General?—I cannot say with certainty.

254. Therefore, you cannot say whether anything was done to correct the evil, or improve the state of things?—I cannot; this was one spoken of by the Reverend Mr. Bishop, of Witheridge, in North Devon; on 13th March 1891 he writes.

255. And to what denomination does he belong?—He is a Congregationalist. He says, "We are just on the borders of three registration districts: South Molton, Tiverton, and Crediton, each town where the registrar's offices are being 10 miles or over from here. We have chapels in two of these districts, and our people who attend these chapels live in all three districts. At our last marriage at Witheridge we had to wait some two hours for the registrar, who was hindered by snow. At the last marriage at Puddington we were detained some hour-and-a-half. One of the parties had to ride from Witheridge to South Molton for the certificate of registration on the morning of the marriage and then back to Puddington, which is three miles in the opposite direction." That is what I take to be a typical case. And I have another one, a Welsh case.

256. This is solely on the question of distance?

Chairman—continued.

—Yes; and the unpunctuality caused by the fact that the registrar lived at a distance. I do not bring charges against the registrar of purposely or maliciously doing these sort of things; I say it is an incident of the fact that they live so far off, and are hindered by attending to other engagements.

257. You do not charge them with negligence?—No, I do not. The registrars, as a body, are very anxious to do all they can, and they do endeavour to do the best they can. This is a case from Cwmdu: "The parish and whole surroundings are agricultural. The centre of this parish of St. Michael, Cwmdu, is situated five miles from Crickhowell; 12 from Brynmawr, which is beyond Crickhowell to the south; 12 east from Brecon; and seven from Talgarth to the north. The population, religiously, is made up of Nonconformist and Church of England adherents, in a proportion of at least two to one; *i.e.*, two Nonconformists to one Episcopal adherent. The Nonconformist registrar resides at Brynmawr, 12 miles away. He is the only one who has a right of giving a marriage certificate for a Nonconformist marriage in this whole union. He sometimes fails to put in an appearance on the day appointed. The Crickhowell registrar has no power to officiate in chapels, neither has our local registrar of births and deaths; so if our people wish to marry at their own place of worship, they have first of all to be ready for some annoyance and extra expense. Then a large number of our people marry at the office, Crickhowell. These last years the marriages have decreased in the parish church and chapels, and increased at the office, and no wonder. It means something like 20 *s.* at chapel, less than half that at church and office. Still many marry at chapel, but the majority at offices. Owing to our inconveniences in this matter, I cannot refrain from advising some of our young people to marry at the office; they won't at the church." That is dated the 18th of May 1893.

Sir *Francis Powell.*

258. Referring for a moment "to the expenses," were those fees?—Seven shillings is the fee; the rest would be the expense of journeying, I presume, and the Dissenting minister's fee.

Mr. *Picton.*

259. Did you give the name of your correspondent at Cwmdu?—The Rev. J. D. Williams.

Chairman.

260. To what denomination does he belong?—He is a Congregational minister.

261. Now, with regard to that, taking the facts as he states them, and we cannot enquire further into them of course, because I suppose that is all the information you have of the two cases?—Yes.

262. What would you say is the remedy for that grievance, to begin with?—For that particular grievance, the remedy might be, of course, the multiplication of registrars, but that is not the remedy which I should like further on, if I may, to suggest.

263. Perhaps

Chairman—continued.

263. Perhaps we had better take these cases of which you complain first, and then we will ask you for the remedy afterwards; now, the next point that you mentioned was, that there was not only the inconvenience in fixing appointments, but a matter which you have gone into already to some extent, namely, the delay in the attendance of the registrar and, sometimes, his non-arrival?—I should like, there, to call attention to the fact that it is not the ordinary delay of not keeping a business appointment, but it is in a case which is an event in a lifetime of the parties concerned, and their feelings are, of course, very highly strung, and therefore, even the delay of half an hour, and the wonder whether the registrar is coming, is a very serious matter for the parties; and when it comes to two hours or three hours and sometimes a postponement altogether, of course it is looked upon as, I may say, perhaps, a lifelong grievance. If I might give two or three cases under this head I should be glad. I begin 12 years ago, and I bring it up to the present time; they are three cases. I have a letter from Mr. Pilling, written this year, alluding to a case which happened, as he says, about 12 years ago.

Sir *Francis Powell.*

264. Who is Mr. Pilling?—Mr. Pilling is a minister, who writes from Blackpool. This letter is dated this year; 30th May of this year. After referring to a fact which happened 10 or 12 years ago, he writes: "Two or three days since, a large number of persons assembled in Union Chapel, Blackpool, to witness a marriage" (he is writing as if it had just happened); "the bride and bridegroom were well known and highly respected, and great interest was taken in the event. The wedding party began to arrive about half-past 10, and by 11 o'clock all was in readiness for the commencement of the ceremony, when it was discovered that the registrar had not arrived; after waiting about a quarter of an hour the minister" (Mr. Pilling, who writes to me) "found it necessary to explain the cause of the delay, because of the excitement that prevailed, expressing at the same time the hope that the registrar would reach the chapel in a few minutes. As the delay continued the excitement increased; messengers were dispatched in all directions to find the missing officer; one after another came back to say that he could not be found. At 20 minutes to 12 it became clear that he was not in the town, and unfortunately, though Blackpool has 12,000 or 14,000 inhabitants in the winter and as many as 60,000 or 70,000 in the summer, the registrar lives four or five miles away; so that it was impossible to fetch him to the chapel before the fatal hour of 12."

Chairman.

265. I did not catch what kept him away?—I did not hear. There is no explanation.

266. The man may have fallen down dead for all we know, and that may happen to anyone, whether a clergyman or another person; have you a more recent case?—I want the Committee to understand that these are not by any means all the cases I have got; I simply want to bring

Chairman—continued.

to the mind of the Committee, if I can, how the parties are effected by it; and the sort of agitation that is in the minds of the whole assembly when a case of this kind occurs. Therefore I took an old case first. I have one now that happened in February 1892, given me by the Reverend James Carvath who writes from Willingham in Cambridgeshire, "In February 1892, a young man of this town went to Cambridge and gave notice of his intention to be married on a certain day. The particulars were taken either by the assistant registrar or in his presence by a clerk. After the usual entries had been made the assistant registrar discovered that the day named would not be the most convenient for him to attend, and asked Mr. ——" (I will call him Mr. A. B., if you please), "to arrange for another day. This was done, and when Mr. A. B. was leaving the office he asked if any further notice was necessary, and was informed that no further notice whatever would be expected. He offered to see the registrar again, but was told that he need trouble no further. Accordingly he and his friends assembled in the chapel at the day and hour appointed, but no registrar came, and after we had waited until long after 3 o'clock we left. This is the second case of the kind that has happened in the village; in the former the registrar paid the extra expense to which the parties were put." That was in 1893, this year.

267. In that case, again there is no account given of the reason for the registrar's delay, is there?—I will read this; I do not want it to appear, but I may say that the case was taken up by someone in the parish, "and at the next meeting of the board of guardians the registrar resigned, and hence the case was taken out of our hands." It is evident that it was a case of neglect on the part of the registrar, but I do not want to bring any charges against a man who has resigned. Then I have here a number of cases of delays; I do not think I need trouble the Committee with them.

268. Can you tell me this: Taking the last three years for instance, can you tell us how many cases of negligent delay have you heard, or got knowledge of in any form; I think it was two and a-half years by-the-bye that the registrar spoke of, but say three years?—I should think personally that I must have heard of 20 myself. Then you must please remember that I do not hear of anything like a large proportion; it is only where they come up to London that we hear of them, and for this reason, that when it is all over, the parties do not care to stir in it; it is a very disagreeable thing for them to complain about, or stir in, and they gain nothing by stirring, and they do not want to injure the particular registrar in the case; therefore, though there may be a very large number of cases, the majority of them by a long way do not come to light. There is one more if I may mention it, the last I have heard of when last month, the daughter of the Reverend Arthur Hall, a brother of the Reverend Dr. Newman Hall, who is probably well known, was kept waiting three-quarters of an hour at Mount Pleasant Chapel, Hastings, because the registrar was not there.

269. But you cannot say why he was not there?

Chairman - continued.

there ?—I can follow all these cases up, but it is generally because he has been engaged in some other work, probably another marriage.

Mr. *Carvell Williams.*

270. But whatever is the cause of the absence, the effect as regards the parties is the same, they suffer pain and annoyance ?—That is so, certainly.

Chairman.

271. The next point you mentioned was the increased expenditure in securing the attendance of the registrar ?—The increased expenditure is a payment to the registrar of 5*s.*, the fee for his attendance, and, as I mentioned, the incidental expenditure of travelling over a considerable part of the country to find the registrar, and make arrangements with him. Now the Committee may perhaps think that 5*s.* is not a very serious sum, but the evidence that I get from minister after minister living in the country is that it is regarded as a very serious item by poor people, farm labourers, and also by artisans and labourers in the poorer parts of London; and undoubtedly it throws a great number of marriages into the hands of the Established Church, because there the general total fee in the case of banns including notices, is 3*s.* 6*d.*, and if the clergyman likes to dispense with those he can; there is no necessity to take any fee at all; and therefore it is in the hands of the clergy of the Established Church to marry a couple for nothing; whereas it is impossible for a marriage to take place in a Nonconformist place of worship at a smaller expense than 7*s.*, 1*s.* for the notice, 1*s.* for the certificate, and 5*s.* for the registrar's attendance. On this point there is an instructive case that I should like to refer to, if I may, at a church in the parish of St. James the Great, in Bethnal Green, commonly known as the Red Church. The Reverend Mr. Coke, the incumbent there, has announced his willingness, and has for years I believe now, acted upon that willingness, to marry for nothing. The consequence is, that it swarms with marriages; he has had as many as 1,400 marriages in one year. I do not know whether it would be useful to this Committee for me to suggest that he should come here and give his experience, and why he did it. He has done it, I believe, on the ground of morality; that people rather than go to the expense of being married will stay unmarried, and if they can be married for nothing they will go and be married.

Mr. *Carvell Williams.*

272. That is not a solitary case by any means, is it ?—I do not think it is.

Chairman.

273. Have you anything more that you wish to say on that head ?—No, I think not.

274. Now the next point is the question of the conduct of the registrar at the ceremony ?—I do not wish to put this as general by any means, it is exceptional; but, I may say, occasionally, persons are appointed as registrars who are of a

Chairman—continued.

brusque disposition, and who magnify their duties, and think their duties are much more important than they really are; the consequence of which is that they put themselves unnecessarily forward, and are very officious as well as doing their official duties. For instance, this sort of thing will happen: a registrar will insist upon standing close by the side of the minister, and letting it be known to everybody that he is the most important person there, and sometimes, not infrequently I think, they have been known to ask to have the words repeated over again, because they did not hear them sufficiently clearly. Then they will, sometimes, directly their part of the service is over, rush out, or walk out of the place not too quietly; and in various ways like that will let it be known that they are there in a purely business capacity. It is not very pleasant to the parties who are being married, or to the minister himself.

275. Is there anything further you want to say about that ?—No, that is all.

276. Now, have any of the cases that have been reported to you of that sort been reported to the Superintendent Registrar ?—They have been; but a great many of them, the larger number of them, never have been reported, for the simple reason that the larger number of persons do not like to make a fuss about these things; the thing is over, and done with, and they do not think of the good they might do to those coming after, but only of their own interest, which cannot be mended by any trouble they may take in reporting it.

277. Then comes the grievance, on which you also dwelt, of the inequality of the positions of Nonconformist ministers and clergymen of the Church of England ?—That is, after all, perhaps, the main question that this Committee will have to look at, if I may, with due respect, say so. The difficulty is this: persons living in large towns, I may say again, do not feel it in the same way that the country ministers do; but a country minister, who has to look for the presence of someone else to complete the legality of the marriage at which he assists, is at once looked upon as not being such a good man as the one who can do it by himself. To use an expression which is constantly being used, "Oh, you cannot marry me, and the clergyman can"; and, consequently, the man goes away with the idea that the clergyman is a superior kind of person to the Dissenting minister; that he is authorised by his status, or by his position, to celebrate this marriage, and can do it by himself; whereas the Dissenting minister cannot be trusted. That is not a merely sentimental grievance. With all respect to those who use that term, I may say that it is very practical, because, if a minister is looked down upon in connection with one part of his duties, he is sure to be looked down upon in connection with the others; the impression is abroad that he is not equal to the clergyman; and that must reign in connection with all his duties; and he feels, therefore, that not his social standing only, but his position for usefulness, is very materially affected by this state of things. And I should like the Committee, if they would, to throw themselves, in imagination, into a country village,

and

Chairman—continued.

and I think they would realise that that is not a mere sentimental grievance; it is an actual practical grievance that he feels. At any rate, I can only say that minister after minister has spoken to me in that way, and frequently they resent the fact that persons living in towns do not see, in the same way as they do, how serious this matter is.

278. Now, I believe that you are prepared to suggest, what I think I was rather out of order in suggesting to you that you should state a short time ago, namely, what remedy you or those who think with you, would propound for these various grievances?—If I may take them, there are three classes. First of all, the expense. That would be removed if the fee payable to the registrar were looked upon as a State fee; and there is a great deal to be said for that contention. It seems to me that if the State thinks that it is desirable for the purpose of having marriages properly certified and registered that an official should be present, then the State should provide that official at its own expense, and not throw it upon the parties; at any rate this difficulty might be got rid of if that course were adopted; and I would point out that the Royal Commission in 1868, distinctly recommended that these fees should be thrown upon the State. I am not therefore, enunciating a mere opinion of my own, but one which has been endorsed by the Royal Commission that sat in 1868. Then the question of the difficulties of fixing appointments, and the conduct of the registrars, might be met by a larger number being appointed, and by, if possible, a more complete superintendence on the part of the Registrar General. If he were more careful than he is now to look after the registrars and the way they perform their duties, these difficulties would of course be lessened.

279. You have not suggested as I understood just now, that there is any laxity upon the part of the superintendent registrars in looking after them?—I do not think there is. Whenever the attention of the superintendent registrar is called to it, he looks after the cases; and as the Committee heard the witness say last time, he only had 16 cases to which his attention has been called, which must be a very small proportion of those which have actually happened. If the superintendent registrar of each district watched more carefully cases of neglect that have happened, and looked after his registrars, this class of difficulty would cease. Then, coming to the general point, the large point. Of course that might be met, and theoretically this seems to be the best way, by saying that all marriages should be celebrated in the same way, and before an official of the State, members of the Establishment and Nonconformists all being treated alike; that is, that civil marriages should be instituted in this country. But I am bound to say, that however much theoretically that may seem to be the right thing, I do not think it is practical; and those whom I represent take the same view. To begin with, the members of the Church of England are not prepared for it, and whether they are the majority or not of the country, they are a very important part of the country, and if they are not prepared to fall in with it, I do not see how it could be forced upon them. Then, in addition, there is a considerable number of Nonconformists who do not want it. They look upon a religious ceremony in connection with marriage as being so important, that they are not prepared to let it be widely known, that the State does not wish anything else but a civil attestation of the marriage; and then I think there are a number of persons too who look upon marriage as a religious bond as well as a State bond, and therefore as not absolutely complete without a religious service in connection with it. Therefore taking into account the disagreement of a considerable portion of the Nonconformists, and I suppose of the largest number of the Church people of England, I say that I do not think the institution of civil marriages is a practical form of relief. Then as to what is. For years past this matter has been discussed by Nonconformists at conferences and committees and in every possible way, and it has been very difficult to arrive at what they think is a practical solution; but now I am glad to say that there is a very general feeling, that the made which is suggested in the Bill which Mr. Perks introduced into the House of Commons is feasible, and will be satisfactory to Nonconformists generally. I presume the Committee are aware of the plan suggested by that Bill, and therefore I need not go through it; but I should just like to point out to them that the idea of the Bill is to interfere in as small a degree as possible with the present duties of the registrar. The Bill does not touch the preliminaries. Its provisions do not take away from the registrar the responsibility of seeing that the registration is complete. It only proposes that instead of the registrar being present at every marriage, he should, where it is desired, authorise someone else to be present for him, and a certificate is to be issued to someone to take his place at the ceremony, to see that the proper words are said, that the parties sign the marriage form in the presence of witnesses, and then that the form is returned back to the registrar for him to register; the idea being, as I say, to interfere as little as possible with the present system, and simply to obviate the necessity of this official person being present at the marriage. Well that has been discussed, as I say, in every direction, or at all events in a great many directions, and I think will give satisfaction to Nonconformists if Parliament can see its way to make it law.

280. You do not appear to have given much of an opinion on the question of registration, or to have given much attention to that question; I do not mean elsewhere, but here this morning. You know that the view of the Registrar General, as already indicated by the witness last time, and also of the committees of registrars all over the country, is that the registration, unless conducted by a trained officer, is very faulty; and as that is a very important matter, what is your remedy for that?—We do not propose to interfere with it. The registrar will be responsible for the registration after this Bill is passed, if it is passed, just as he is now. He will have to do everything up to the time of the celebration of the marriage, and it will be his duty to follow up the issue of his permission to someone else

Chairman—continued.

to conduct the marriage by inquiring what has become of that permission. The Bill distinctly provides that he shall, if there is no return within three months, inquire why, and follow it up. Therefore he is left to be responsible for the registration of the marriage just as he is now. Of course he will have additional difficulties; I do not disguise that; he will not be present, and therefore cannot of his own knowledge register; but it will be his duty to acquaint himself with the fact of the marriage by having the certificate returned, or the license returned, endorsed, and from that he will have to register.

281. Now I believe that you want to draw attention to some other inequalities in the marriage laws as far as Nonconformists are concerned?—I only just wanted to say that there are inequalities in connection with the issue of the certificate, the shortest time at which a certificate can be obtained.

282. What certificate do you refer to?—The certificate before marriage—the certificate which is the license for marriage. The shortest time at which that can be obtained is 22 days and seven days' prior residence in the parish is an essential; therefore, it is 29 days before a person can get a license to marry by certificate. In the Established Church 16 days is thought to be enough; banns can be published on three successive Sundays, and the marriage can take place the next day; that means 16 days. I do not quite see why if 16 days is enough in the one case, 29 should be required in the other. Then the question of expense I have already alluded to, and, if I might, here I should just like to make an addition to what Mr. Whittaker said the other day. He said that a license could be obtained for 30*s.* for a Nonconformist marriage. He forgot to mention that there are stamps in addition to that; 12*s.* 6*d.* for stamps, namely, 10*s.* on the license, and 2*s.* 6*d.* on the notices.

283. But is that different from what happens in church?—In church they run differently according to the particular diocese they happen to be in; there is not much difference in the expense for the license, which is much the same in church as in chapel; but there is one inequality there. With a certificate from a bishop in a diocese the marriage can take place directly the license is out; when it is given by the superintendent registrar one complete day must elapse. I do not quite see the reason for that.

284. Do you recommend the lengthening of the short term, or the shortening of the long one?—I really do not think it matters which it is.

Mr. *Carvell Williams.*

285. What do you say is the exact difference in the two cases?—After the license has been granted by the registrar, a complete day must elapse. In the case of a bishop's license you can be married directly the license is put into your hands.

Chairman.

286. You have some statistics with reference to the increase of marriages at registrars' offices and Nonconformist places of worship, and the decrease of marriages at church; I suppose the best plan will be to hand those figures in?—It is

Chairman—continued.

to be found in the registrar's report for 1891. I had given you a note that I would speak to this before I knew that Mr. Whittaker would refer to it, but I should like, if I may, to call attention generally to what it is. In 1842, the percentage per 1,000 of marriages in the Established Church was 926 out of the 1,000; in 1891 it was 699, and the decrease has been practically continuous; it has not been, I mean, by sudden jumps; it has been almost every year without exception a decrease in the percentage. In the same way the marriages in Nonconformist places of worship, including Roman Catholics, were in 1842, 52 per 1,000 only; in 1891 they were 160 per 1,000, and it has been an almost unbroken continuous gradual rise. Then in superintendent registrars' offices, it was 20 per 1,000 in 1842, and it is now 136 per 1,000, and that has been again continuous. I just want to call attention to those facts to show that notwithstanding the difficulties, the tendency is to an increase of marriages in Nonconformist places of worship; and I use that as an argument in support of the suggestion that the facilities for those marriages ought to be increased if possible.

287. Now, I think the last point you have given us to think about is, that you desire, or are prepared, at all events, to give us some information with reference to marriages in one or more of the colonies?—I did not know whether it was going altogether outside the scope of this inquiry. It has nothing to do with Nonconformists particularly; but as I happened to have put into my hands, by a gentleman who is interested in the question, living at Sydney, a copy of the marriage law in that country, with his earnest request to let everybody know how satisfactory it was, I thought I would mention it.

288. Perhaps you can leave it in our hands?—I will hand it in.

Mr. *Picton.*

289. You told us that you appear as representing three most important Nonconformist denominations; you represent their views, do you not?—Yes, I think so.

290. Do you find that there is generally a disposition to look at marriage as a civil contract?—Opinions are distinctly divided in those three denominations on that point. Nearly everyone would say that it should conform to the civil law.

291. Perhaps I did not put the question clearly: do they think that it is, in part at least, a civil contract?—Yes; almost generally.

292. Then may I ask, is it not the principle of these Nonconformist denominations, that things secular should be left to the civil law, and things sacred, to the church?—Yes.

293. They would separate them, if possible?—Yes.

294. Then do they regard the registration as secular, or civil, I may say?—The registration as civil; but not necessarily the marriage.

295. No; but the registration?—The registration, certainly.

296. They would all desire that it should be done as effectively as possible?—Most certainly.

297. Is

Mr. *Picton*—continued.

297. Is there any dissatisfaction in those denominations with the accuracy of the present system of registration?—No.

298. They regard it as perfectly satisfactory in that respect?—Yes.

299. Do they regard it as superior to the former system of registration, before the civil registration was established?—Yes.

300. What is meant by the proposition, then, that the system of civil registration should be altered; is the minister who discharges the duty of the registrar to become a civil officer of the law?—It will not be the minister necessarily. The proposal in the Bill that is before you, is not that the minister should be always the party to take the registrar's place, but a person appointed by the registrar, whether minister or not.

Mr. *Perks.*

301. You are under a slight misconception as to my Bill. There is no appointment of a person to conduct the wedding; all that appears in the second schedule is that the person who has to fill in the form is the person officiating at the marriage. The old Bill actually appointed a registered minister to conduct the marriage, but that is omitted from my Bill.

Mr. *Picton.*

302. Whoever conducts the marriage, the person who puts in the words: "I do solemnly declare" and so on, that person would have to complete the register, would he?—No, the registrar would complete the register. The person performing the marriage would simply return the form given him by the registrar, from which the registrar will enter up his register.

303. But it is not completed till after the service. There is the signature of the person officiating at the wedding, and of the persons married, and of the witnesses to be added, besides the date and the place at which the marriage is celebrated, all these have to be put in?—Yes.

304. Who would put those in; I am asking you how you understand the Bill?—I understand that the person officiating at the marriage will have to see that the form supplied to him, given in the Bill, is properly filled up; it is his duty.

305. But that cannot be filled in till after the marriage; there wants the signature of the parties, and there wants the signature of the witnesses; how are those to be filled in?—After the ceremony.

306. Under whose superintendence?—Under that of the person responsible for the marriage.

307. Then he to that extent fulfils the civil duty of registration?—Yes, if you call it registration. I should rather differ there. I call registration the entry of the marriage in the registration book, officially afterwards from this form.

308. But you must have this form complete in order that an entry of it, or of a duplicate form may be made in the registrar's book; to that extent he would be carrying out the civil law?—Yes.

309. And would it not be necessary to impose upon him a penalty for carelessness?—I think so.

310. Do you find that Nonconformist ministers generally, so far as you know, are willing to subject themselves to that?—Yes.

311. Generally?—Yes: there are exceptions.

312. Do you not meet with some who object to be made what they call civil officers under the State?—Yes, some; there are very few.

313. Now, you told us that you consider this Bill is feasible; and, on another point, I should like to ask a question or two. You have, I think, read the Bill?—Yes.

314. Under any mode of applying your remedy, there would be cases in which a marriage would be conducted without the presence of the registrar?—Yes.

315. In that case the completed form, or a duplicate of the completed form, must be sent to the registrar?—Yes.

316. How do you propose that it shall be sent?—It should be sent by post.

317. Are you aware that there are a great many chapels in the country where there is no minister at all?—I should not like to say a great many; there are chapels, undoubtedly.

318. Both in England and in Wales?—Yes.

319. And amongst those registered for marriage, are there a fair number where there is no minister?—There would be some.

320. Are you aware that the deacons, or other officers of such chapels, are very commonly good-natured in allowing the use of their chapels for marriage services to strangers?—Yes.

321. Would it be a possible thing for a gentleman, after residing in a village for the necessary time, to obtain the use of a chapel in the village for the celebration of his marriage?—Yes, I should say so.

322. Would it be impossible for him to obtain a friend, unknown in the neighbourhood, to come and perform the marriage rite?—It would not be impossible.

323. Would it not then be possible for him to obtain someone, who, by corrupt means, would be induced to perform this marriage ceremony and, instead of posting the duplicate form, put it in the fire?—I cannot say that it would not be possible; but I should think it extremely unlikely.

324. But how would it be extremely unlikely? You do not deny that there are very strong human passions contained in a matter like marriage?—I do not.

325. Are there not strong temptations sometimes to prevent or to efface a registration of a marriage?—There may be cases in which it is wanted to be done, undoubtedly.

326. Do you see your way to prevent such a corrupt transaction as I have suggested?—I do not see how you can prevent people being wicked in this world if they want to be, and in the majority of cases carrying out their wickedness, if they are very clever and determined to do it; but this is following the Scotch system, and as far as I know (and I have taken some pains to inquire), I cannot find that the Scotch system has given rise to any number of cases of that description.

327. You have nothing to say then as a suggestion for the prevention of such corrupt practices, except that the law in Scotland is pretty much the same?—There is one thing that I should like to say, that if the Committee are

Mr. *Picton*—continued.

inclined to think that the looseness of the system might give rise to difficulties that might be met by nominating the person in the certificate which the registrar issues for the marriage, that instead of giving out generally a certificate to anyone, he should nominate certain persons, and that you should throw upon him the duty of seeing that it is a person or persons known in the neighbourhood. That has been discussed in some of the committees that I have attended.

328. As to the complaint about expense, do you think that it is very desirable to make marriage free of expense?—Personally, I do.

329. When people are going to be married do they usually save a little money for the purpose?—Usually, but not always.

330. Is it not desirable to encourage thrift?—Yes, but you must recognise what is undoubtedly the fact, that people live together as man and wife without marriage, because they cannot afford to pay for marriage.

331. Do you speak from your own knowledge?—I speak from my own knowledge, to some extent, and from conversation with persons living in working class districts, and they all confirm this view.

332. I take it that the whole of your evidence as to the dissatisfaction with the present state of things really rests on the one point, that some, though not all, Nonconformist ministers think that they are put in an inferior position, compared with that of ministers of the Established Church?—It is not a minister's grievance; it arises from the fact that the persons are ministers, but laymen feel the grievance as much as the ministers do. If their minister is degraded or put in an inferior position, that is not a minister's grievance; that is a grievance of the whole community to which the minister belongs.

333. Which the minister shares with his congregation?—Yes.

334. And you are sure that that is felt by a large majority of the Nonconformists?—An overwhelming majority of Nonconformists.

Mr. *Jordan*.

335. You said that in making the preliminary arrangements, the persons to be married had had to make a journey; could not those arrangements be made by letter?—Not the preliminaries, because they have to make a declaration which must be made at the office. The arrangements for the attendance of the registrar at the ceremony might be made by letter just as any other appointment might be.

336. And you seemed to say that the hardship obtains in relation to rural districts. Do agriculturists consider it a very great hardship to make a short journey across country?—Not in the same way that a man living in a town would.

337. It is not a hardship then to them?—It is a hardship, but not such a hardship as a town man would think it.

338. Then, as to this Witheridge case. Do you think that that was such a case as to warrant you to bring it forward as illustrative—two hours delay because of a snowstorm. Is not that a thing that might arise at any time; might they not have been detained themselves, equally with the registrar, by a snowstorm?—Yes, but they do not come so far in the majority of cases; the majority of the people live close by where the chapel is; the registrar is a distant person.

Mr. *Jordan*—continued.

339. I am talking of rural districts; and do not the parties to be married also come a considerable distance in rural districts as well as the registrar?—Yes, but not so far.

340. I suppose no marriage could be celebrated legally without the presence of a registrar at the ceremony?—Not in a Nonconformist place of worship.

341. Then in that case of the Blackpool Chapel, the legal ceremony could not have proceeded till the registrar was present?—Yes.

342. Do you consider that 5*s*. is a very large amount for a man to pay in order to go into the holy and happy state of matrimony?—I quite agree with you that speaking personally, I should think that no man ought to contract matrimony who cannot pay 5*s*. for the service; but I know as a matter of fact that they cannot pay it, that many a poor man who marries on perhaps 10*s*. or 12*s*. a week, cannot afford the 5*s*.

343. And he can afford to marry?—He does marry, or if he does not marry, he lives with the woman unmarried.

344. Do the Nonconformist ministers charge anything for the celebration of marriage?—There is I think, a sort of understanding that their fee should be 5*s*., but they very frequently give it up with poor people.

345. Then it would not be conveyed by you that the more the bridegroom gave to the registrar, the less he would have to give to the Nonconformist minister?—That is so certainly.

346. You talked about the Nonconformist minister being placed at a disadvantage as compared with the Established Churchman; that he was not looked upon as so important, and that his position for usefulness was diminished; do you consider that a man's usefulness depends upon his status, for the purpose of marriage?—Of course, because it affects his whole status. I tried to point out, that if he is put in an inferior position, a secondary position, for one purpose, he is for all purposes; he is looked upon as a second class man.

347. From a civil point of view?—From all points of view.

348. Not from a religious point of view?—Yes, amongst poor people, and imperfectly educated people.

349. In your opinion, would the presence of a registrar at a Church of England marriage, make that marriage a civil marriage?—Yes, certainly; if a civil servant is an essential to the marriage, his presence makes it a civil marriage.

350. Wholly civil?—No, I do not say wholly civil.

351. Semi-civil?—Yes, semi-civil.

352. Then the marriages in Nonconformist places of worship are semi-civil now?—Yes.

353. You said that the registrar might not be present according to your view of the Bill; I did not catch, when Mr. Picton was asking you the question, to whom you said he delegates his power of marrying?—The proposal of the Bill which Mr. Perks has introduced is as I understand it, that a certificate should be issued in general

Mr. *Jordan*—continued.

general terms. I suggested to Mr. Picton, that if you wanted to put greater safeguards, you might provide that the certificate should be given to an individual by name.

354. Would he require to be present at the marriage?—Yes.

355. What is the difference between such a delegated person and the registrar proper?—Because that person would probably be the person who would perform the ceremony otherwise, the person performing it religiously.

356. Might not that person have power by statute rather than by delegation from the registrar; would not that make the person solemnising the marriage and inferior person to the registrar, the very thing that you want to obviate?—I do not quite see that.

357. If the registrar delegates certain powers to the officiating minister, would not the officiating minister then be beneath the registrar; would he not be a lower person than the registrar, and would not his position for usefulness be greatly diminished by his taking the power from him?—It would not be the same thing as it is now, where marked attention is called to that fact. There would be nothing in the ceremony itself which would show that there was any particular authority given him.

358. It would be a difference in appearance?—It would be a distinct difference in appearance.

359. You have told us already that the principal registrars are clerks of unions; who are the sub-registrars?—Very often shopkeepers in the village.

360. Anybody else; do you know of relieving officers being registrars?—I believe that is so.

361. And you do not think it desirable that relieving officers should thrust themselves up by the side of a Nonconformist minister, do you?—No. I do not think it would be desirable.

362. Then why do you desire to retain in increased numbers the attendance of these registrars?—I think that their numbers might be increased for all purposes of issuing a certificate and for registration.

363. In view of what you have said, is it, then, your opinion that registrars should be excluded from chapels at the marriage ceremony?—Not excluded, but not a necessary part of the marriage. When the parties wish it they might have the registrar.

364. Do you think there is any Nonconformist chapel, after what you have said about the laity and the ministers, where anybody would desire it?—There might be some.

365. But you do not think that they desire them wholly removed at the marriage ceremony from Nonconfirmist chapels?—I want the necessity for their attendance taken away.

366. And leave it optional?—Leave it optional.

367. If this view should not obtain in relation to Nonconformist chapels, would you assent to the levelling up of the Established Church by placing the registrar at marriages in the Established Church in the same position as he takes in Nonconformist chapels?—I have been careful not to express my individual opinion, but there are a large number of Nonconformists who——

Mr. *Jordan*—continued.

368. I simply want to know, would you consent to the levelling-up system by placing in the Church of England the registrar in the same position as he is placed in the Nonconformist chapel, because that might be the alternative?—No. I do not think it need be. If the idea of civil marriages were fully established in England, I take it for granted that we should do what they do abroad, that is, that there would be a registration and an attestation of the marriage in the civil registrar's own office, neither at church nor at chapel, but at the officiating registrar's office, or the town hall, or whatever it may be, the central place in the village or town.

369. So that rather than inflict a registrar upon the Church of England, you would change the whole mode of operation?—I do not think that the Church of England would permit of the "infliction," to use your own term.

370. But, as a matter of opinion, would you not think it advisable, both from a civil and from a religious, and from a Nonconformist and Church of England point of view, that all parties should be placed on an equal footing in relation to the marriage ceremony?—Yes; but I do not wish to be misunderstood. That does not necessarily mean that I wish the registrar to be present at every ceremony in the church.

371. Then, do you exclude him from the church?—I say that, theoretically, the best solution of the whole marriage difficulty is a civil marriage; but then, I repeat what I said before, that I do not think that the country is prepared for that.

372. What do you call a civil marriage?—That the marriage, so far as the State is concerned, should be contracted by the parties attending simply before a State official at a recognised place, and then and there going through a particular form, and the marriage being registered.

373. That is doing away with the whole religious aspect of the marriage?—That is the civil side only.

374. The civil marriage comes first; and then would you be of opinion that those who had religious scruples in relation to the matter should after the civil marriage go to a place of worship and get married religiously?—I should leave the parties to do exactly what they liked in that respect. If that system were carried out it means that.

375. Do you advocate that?—I do not wish to express my own opinion, because I am here as the secretary of a particular body, and I have no right to bring my own particular views forward. I simply say that a large number of Nonconformists would advocate that, but I believe the majority would not.

376. Do those whom you represent here not look upon marriage in a religious light, and as a religious service, or do they look upon it as a religious service?—They are divided in their opinions.

377. What do the majority think?—The majority look upon it as a religious matter.

378. Would you deprive them of the pleasure of the religious service in order that all marriages should be made civil?—No. I am not advocating that. With all respect to the honour-

Mr. *Jordan*—continued.

able Member, I am not advocating civil marriages here. I said distinctly that I am not.

379. I understood you to say that the best way to get rid of the whole difficulty would be to have a civil marriage?—I say that theoretically it would be, but I cannot advocate it knowing what I do as to the views held amongst Nonconformists.

Mr. *Perks.*

380. With reference to the Bill that has been spoken of, the Bill is permissive?—Yes.

381. So that anybody who wished to be married under the old system could still continue to be so?—Yes; quite so.

382. The overwhelming majority of the clergy and the laity whom you represent are in favour of excluding the registrar from Nonconformist chapels?—Yes, undoubtedly.

383. With reference to a civil contract, have you had any objection raised within your experience by Nonconformist clergy to availing themselves of the Burial Acts, on the ground that they were thereby constituted civil officers of the State?—No. I have not met with one.

384. Then do you think that there would be a general objection on their part to availing themselves of the permissive power in this Bill?—No. It would be in very isolated cases only an objection.

385. Do you think the case of the "village ruffian," if I may call him so, whom Mr. Picton alluded to, would be a common incident?—No; certainly not.

386. The danger of attempting such an experiment, I suppose, in a village, you would consider would be very great?—I should consider that it would be very great, because parties are known so well in villages.

387. You think that the danger of some feloniously disposed persons coming into a village and making their arrangements is infinitesimal?—It is very remote indeed.

388. Might I inquire whether there is any evidence which has come before your body to imply this is a grievance of the ministers as apart from the laity?—It is not, as I have pointed out to honorable Members, a minister's grievance. It comes to the layman through the minister; but it is a layman's as well as a minister's grievance.

389. Passing to the fees; you suggested a reduction of the fee from 5*s.* to 2*s.*, and 6*d.* for the certificate?—I do not think I suggested that. I suggested the remission of the 5*s.*

390. The total remission of the 5*s.*?—Yes.

391. Would there be any strong objection to a fee being charged of (say) half-a-crown for the license?—There would be the same objection that many persons feel, that the smaller the fee the better; and, therefore, there would be an objection to 2*s.* 6*d.*; but the lessening of it from 5*s.* to 2*s.* 6*d.* would be looked upon as a help.

392. That reduces the total cost to 4*s.* 6*d.*, apart from ministerial fees?—Yes.

Chairman.

393. You include the certificate?—That is afterwards; that is another 2*s.* 6*d.* There is a fee on the notice of 1*s.*; a fee on the certificate of the marriage of 1*s.*; then, I understand, the honourable Member suggests 2*s.* 6*d.* more for issuing a special certificate.

Mr. *Perks.*

394. I suggested a shilling for the notice and 2*s.* 6*d.* for the registrar's certificate, that makes it 1*s.* 6*d.* more than now, and gets rid of the 5*s.* attendance fee; would that be an insuperable difficulty?—No; not insuperable.

395. There is one other point: did I understand you to say that it would not be objectionable to first name the minister who was to perform the marriage ceremony on the registrar's notice?—That point has been discussed in several committees which I have attended, and many persons think it would raise practical difficulties of a very considerable kind.

396. That was the feeling of the majority?—Yes.

397. May I ask if the committee representing the deputies is practically unanimous with regard to this proposal?—Yes. I think I may say practically unanimous; not completely.

398. Could you give us figures?—My committee is 21. I should think that I have 18 or 19 in favour of this proposal in your Bill, as a whole.

Mr. *Carvell Williams.*

399. You said that it was generally expected by Nonconformist ministers who officiated at marriages that they would receive a fee of 5*s.* Is it not the fact that with regard to marriages and burials and baptisms, nothing like a system of fees exists among Nonconformists, and that no Nonconformist minister would think of exacting a fee as a condition on which he rendered his service?—Speaking of the Congregational and Baptist bodies, I think I may say distinctly that there is no system of fees; each minister is left to do what he likes; and certainly I may go so far as to say that no minister thinks of exacting it if the circumstances of the parties are such as to prevent their being able to pay it.

400. And in a large number of cases the services are rendered freely without remuneration?—Yes. In a very large number of cases; I should think the majority probably.

401. With regard to the effect upon the status of ministers, which is the result of the present system. Before 1880 the Nonconformist minister was excluded from the right to officiate in churchyards and the consecrated parts of cemeteries, and it was considered as a badge of inferiority. Do you consider that the position of the Nonconformist minister in regard to marriages is a part of the same system, and somewhat analogous?—Yes; it is.

402. You have been asked respecting the causes of neglect of registrars to attend, and also respecting the ill-behaviour of registrars in a few cases; is it not a fact within your knowledge, that one effect of these unfortunate occurrences has been to deter some young Nonconformists from being married at their own places of worship, and that when they have heard of these occurrences they have made the remark, "Oh, if that is the treatment to which we shall be exposed we shall go to church to be married"?—I can say in general terms that I agree with the suggestion which the question makes.

403. You have been asked whether you do not recognise the absolute necessity for giving a notice of the marriage to some local authority; has

Mr. *Carvell Williams*—continued.

has it occurred to you that the notice need not be given to a registrar, but that it might be given to some other public official who would be located on the spot?—It might be given to another official, but then, so far, he would be simply the registrar under another name.

404. He would discharge the duties so far as the notice was concerned?—Yes.

405. Has it occurred to you as one means of mitigating the grievance which is now felt, that all registrars might be registrars of marriage, instead of their being as is the case now, only registrars of births and of deaths in many instances?—They might be; but of course some care would have to be taken to see that they are fit and responsible persons; and the objection that many of the registrars of births are relieving officers, I think, is a fatal objection to my wishing them to be registrars of marriages.

406. But they are not required by law to be relieving officers?—No, but they are.

407. That is a mere accidental circumstance. It is a fact, I believe, that there are some Nonconformist ministers who prefer the attendance of a registrar, because it relieves them of all trouble and responsibility?—Yes.

408. And it is for that reason that the Bill that is before the Committee is optional with regard to the attendance of the registrar?—That is so.

409. Can you furnish the Committee with any information respecting the marriage laws of the larger British Colonies, with regard to the mode of celebrating marriages I mean?—In reply to that, I may say that I have already handed in a print of a Bill which I was told last year by a resident in Sydney governs marriages in New South Wales; and I also produce a letter written by a gentleman living at Port Adelaide, in South Australia, dated the 7th of February 1893, which says, that substantially the marriages throughout Australia are, he believes, the same. Therefore, probably that Bill governs the whole of Australia.

Mr. *Oldroyd.*

410. Does the official registrar sometimes appoint a deputy to attend in his place?—If he does he must be a registrar of the same authority as himself; he cannot appoint a person who is not appointed as a registrar in the same district. You will find that there is a superintendent registrar and several registrars; the registrars may interchange their duties.

411. Under the Bill introduced this Session to which reference has been made, the minister in attendance, and who is officiating at the marriage, would take the place of the registrar as regards the filling up of the prescribed form, and hand it to the registrar?—The person officiating, whether minister or not.

412. Is it not your opinion that a person so officiating could as fully and clearly and certainly fill up a form as the registrar himself, with the same accuracy?—He would be able to do it with great accuracy. I should not like to say that a man not trained to it would do it exactly in the same way and so well as a man officially trained; but my impression is that all those connected with chapels who would take this duty upon themselves would do it accurately and well.

Mr. *Picton.*

413. We should have to be dependent upon the discretion of the people connected with chapels to secure that?—Yes.

Mr. *Oldroyd.*

414. But is not the schedule which is attached to the Bill a very simple form?—Extremely simple.

415. And do not you suppose that any one who discharges the duties of conducting such a ceremony is quite capable in every case of filling up the form with accuracy?—Yes; and speaking from my knowledge of the officials at chapels, I should say that they are parties who would undoubtedly fill it up correctly; they are almost more likely to do it than a clergyman of the Established Church will, because it is of more importance with them to do it correctly.

Sir *Francis Powell.*

416. Why?—Because the clergyman does it so often, and his mistakes arise from the fact that he does it so often that he is careless; it is not want of education on his part. The other men would not do it so often, and would be very particular when they did do it.

417. Is it regarded in your community as a grievance that a clergyman will forego the fees for marriage?—No.

418. Because I understood you to say in one of your first answers, that it was a grievance felt by the Nonconformist bodies that the clergy were kind enough to forego fees in case of poverty?—No, the grievance was that the registrars cannot be expected to do it, and therefore do not do it, whereas the clergymen can do it, and do do it. In the case of the registrar it is part of his civil remuneration.

419. You did not mean that as a ground of complaint against the clergy?—No.

Mr. *Powell-Williams.*

420. You gave your general assent, I think, to that Bill of Mr. Perks'?—Yes.

421. You did that, of course, with a full knowledge of what is in the Bill?—Yes, I think so.

422. But you were under the impression, and a mistaken impression, that the registrar would have the power to appoint some other person to register for him under the provisions of the Bill?—I had forgotten for the minute that that proposal had not been accepted; it had been suggested in more than one committee that I attended, and I was under the impression that it had been accepted; I remember now that it was not.

423. I point out to you that that answer would imply the continued attendance of a registrar, or of a deputy, at Nonconformist marriages, and that you, therefore, by your answer, differed from the Bill?—Yes, I ought to correct my evidence, and say that that was not accepted by my committee, or by the other committees that I have attended.

424. What was not?—The idea that he should depute a particular person to perform the ceremony; it was left, as Mr. Perks' Bill leaves it, general.

425. Now, if you got rid of the inconvenience which you have illustrated to us by letters; of

Mr. *Powell-Williams*—continued.

the inconvenience of fixing appointments with the registrar, of the misbehaviour of the registrar at the ceremony, and of the uncertainty of his attendance, would there be any substantial grievance whatever?—Yes.

426. What would it be?—There would be the grievance that the minister or the person officiating is treated as not capable of performing the ceremony without the assistance of a second person.

427. Would that grievance be determined if the registrar were also obliged to attend and register marriages in the Church of England?—The invidious position of the dissenting minister, of course, would not exist then, because all persons would be treated alike.

428. Is that a grievance as respects the parties; the public, or as respects the ministers?—Both the public and the ministers.

429. Do you lay any stress upon that as respects the minister?—No, not as distinguished from the fact that he is the minister of a certain number of persons; it is not personal to him.

430. Now, if the public knew that their marriages were better registered through the fact that the registrar attends at the ceremony, would that tend, in your opinion, to diminish the sense of grievance?—It would diminish it, but not remove it by any means.

431. Is it not an important point in the minds of people to have their marriages properly registered?—All persons do not attach the same importance to it; it is important, very.

432. Have you had your attention directed to the evidence which has been given to us, that the registration through the attendance of the registrar is necessarily much more perfect than it can be made in any other way?—Yes, I heard Mr. Whittaker state that.

433. Was that in any sense a revelation to you?—Not at all.

434. Therefore, I may take it that it is known amongst the Nonconformist bodies that that has a practical and a most valuable effect upon the accuracy of registration?—Yes.

435. Now you gave us in the first letter that you read a case somewhere down in the South Molton district, where the registrar lived I think you said ten miles from the particular place where the ceremony in that case had to be performed, and you said that was a typical case?—Yes.

436. Do you wish in any way to modify that answer; is it not rather an exceptional case?—You mean the distance? I should think it is in that respect that the distances are not always ten miles.

437. At any rate as respects that portion of the grievance, that would be remedied simply by the appointment of further registrars?—It would seem to me to be simple, but I know the Registrar General has his objections to appointing an additional number of officials.

438. I must draw your attention to the fact of the extraordinarily few cases apparently in which any complaint was made to the Registrar General. You mentioned misconduct in the chapel, officiousness, want of punctuality, sometimes the absence altogether of this person whose attendance is necessary, and other very serious *laches*; does it not strike you as peculiar that the complaints to the Registrar General should not be very numerous under such circumstances if the grievances are numerous?—Mr. Whittaker was speaking of complaints that came up to the Registrar General here at head-quarters; that would not by any means cover the complaints that reach the superintendent registrars.

Mr. *Powell-Williams*—continued.

439. But in any case you are not aware that many complaints have been made to the Superintendent Registrar?—No, I am not; but I think if I may say so, you will find witnesses following me who will bring out the point more strongly than I have done.

440. I want to get at this; that whereas people are only too ready to complain of public officials in other branches of the public service, you rather indicate to us that there is some reluctance to complain in respect of this particular matter upon which people's feelings would be very much more excited?—That is so; people do not like to refer to the inconveniences that may have attached to their marriage. You have met people perhaps, as I have done, who had to postpone their marriage, and they do not like to refer to it.

441. If I had been placed in that particular position, it is a matter that I should have made a strenuous complaint about. There is no reluctance, is there, for instance, to complain of the village postmaster for matters that are very much in the same category?—I cannot speak from my own knowledge about that; only from what I see in the papers.

442. I press this point upon you, from the point of view of your evidence; and it does occur to me that your evidence may be open to criticism, from the fact that those who allege that these grievances are very heavy do not complain about them?—I quite admit that there may be criticisms there; but I think you will find that my evidence on that point, if weak, will be strengthened by those coming after me. I think you will find that the Wesleyans experience this particular difficulty more than the three bodies that I represent.

Chairman.

443. Which difficulty?—The difficulty of the non-attendance of the registrar, and of his conduct at ceremonies.

Mr. *Powell-Williams.*

444. But, of course, I am regarding you as a representative witness, charged here to give us the views of three most important denominations; and I put the question to you from that point of view. Do you not think that it is rather evidence that the grievances are not as acute as you state, when the number of complaints, according to your own evidence, you being the person who would specially hear of them, is so small?—I admit that my evidence is open to criticism on that point; but that does not deal, if I may say so, with the fifth head of grievance at all.

445. The fifth head is the general objection of Nonconformist ministers being placed in an invidious position?—Yes.

Chairman.

446. You say that you think that the Wesleyan witnesses who are coming will tell us that they feel these negligences more than the Independents and Baptists?—Because their chapels are, perhaps, more widely spread in the country.

447. It is a question of geography, then?—Yes; and I think they have taken more pains to tabulate the cases and bear them in mind.

Mr. *Carvell Williams.*

448. The Committee have been informed that only 16 complaints in regard to registrars have been made to the Registrar General in two and a-half years. From what you have learnt from newspaper reports, and from correspondence, and other means of information, is it your opinion that that by no means represents the dissatisfaction that has existed during that period?—Undoubtedly.

Mr. JAMES ELLIS, called in; and Examined.

Chairman.

449. I HAVE no précis of your evidence?—I have been asked to come by the Committee; I do not know what for, but I suppose it is to give an account of the Friends' method of proceeding.

450. What is your position?—I will explain. I think, if you will allow me, I can give in a very few words any information that the Committee may like to have.

451. If you please?—First of all, I should just like to say that you all know that our body is a small one, the members and regular attenders are only 22,000 in Great Britain, or about that.

452. You are speaking of the Society of Friends?—I am speaking for the Society of Friends, because you know that we have privileges in the direction of marriages which none but the Jews, I believe, have, other than the Church of England. The Society of Friends is divided into what we call monthly meetings; these meetings represent generally the counties of England, not always, but generally the counties of England, sometimes a large town, and in those meetings there are two officers always appointed; one of those is called the clerk of the monthly meeting, and the other is the registrar of the monthly meeting, the registrar being an official appointment; I am registrar for my own monthly meeting. The way in which the registrar is appointed is, that the monthly meeting recommends a name to the Registrar General, that is acknowledged officially, and he becomes official registrar. I have been official registrar in our monthly meeting for something like 20 years now. Now, to proceed to the duties of these officers: any member of the Society of Friends or any person wishing to be married at a meeting of the Society of Friends, must first of all apply to the clerk of the monthly meeting in which he resides (that is the first of the officers), he will direct him to the public office of the registrar of the district, you know what process will then take place, he will pay a shilling, the proper notice will be given, and at the end of a certain length of time, three weeks, I believe, he will receive from the officer a notice that the proper legal arrangements have taken place so far as the public are concerned; that will be reported to the clerk of the monthly meeting in which he resides, and the lady he is about to marry resides; they may live in the same, or they may live in different monthly meetings. The clerk will give a certificate that all legal requirements have been fulfilled, and he will give permission for the marriage to take place at such a meeting-house where public worship is regularly observed as the parties may desire; the clerk will take care notice is given on Sunday morning, at the close of the meeting for worship, in the same way that banns are published; and a request is made that if any objection can be made to the said marriage legal notice should be given to the clerk; if no objection is made, the parties are cleared for marriage, and a proper certificate is issued (I have the forms in this book before me, but it is not necessary to give the Committee any trouble about that). A proper certificate is issued that they may be married; at the marriage practically the Friends marry themselves, the person gets up and makes a declaration: A. B. declares that he marries C. D. in the fear of God, and in the presence of this assembly, and that they will be faithful to each other for life. That is practically all they do; and then the lady says the same thing before the assembly. After the ceremony is over, the registrar being always present, he sees that the legal documents are properly signed.

Chairman—continued.

Mr. *Carvell Williams.*

453. The Friends' registrar, you mean?—The Friends' registrar. I am the registrar in my meeting, and if there is a wedding in my meeting I must be present, and I am present; and throughout the Society, the registrar is always present, and he sees that the legal book is signed, a book is sent to us in duplicate by the Registrar General in London, and we have two copies signed then and there by the parties, and the registrar is the witness to the marriage.

Mr. *Powell Williams.*

454. It is desirable that you should use the term, the Friends' registrar, to prevent confusion?—Yes. I am the registrar of the monthly meeting of the Society of Friends at Leicester. I am in the list of registrars in the Blue Book. The Friends' registrar for the time being is an acknowledged official, but only for Friends' weddings.

Chairman.

455. Is that registrar in any position at all analogous to the minister of any other denomination?—No, not at all; he is absolutely a layman, and has no other office, except to register births and deaths, and to keep a record of the members of the society. This little book contains a record not only of my monthly meeting, but of

Chairman—continued.

Birmingham and all the monthly meetings round, an exact register of every name and of every person. Then, at the end of three months, he must make a return for the last three months, on a proper Government form, of the time and place of the marriage, in the same form that a clergyman makes it from a church; and that completes his duties. I shall be glad to give any further information you like.

456. We have heard, with great pleasure I am sure, from the witness who was here at our last meeting, that your Friends' registers are all very well kept; we hear also (I do not want to draw an invidious distinction,) that the registers of churches are not always well kept?—A witness ought not to give advice, but I should advise you to go and see the register yourselves. I have been and seen the register, I will not say where, since I have been asked to come here; but I should advise the Committee to ask to see the register of some particular town.

457. To what do you attribute the accuracy of your register?—The fact that you can command throughout the Society of Friends very well educated men who will do the work free; there is no difficulty whatever in finding them.

Mr. *Powell Williams.*

458. Are you subject at all to supervision on the part of the Registrar General?—Not at all.

459. Does he make no complaint of errors at all, in case the forms are not properly filled up?—I never heard of any.

460. In the event of there being any failure to register accurately and in accordance with the form, I suppose he will call attention to it?—Certainly.

461. Therefore, the accuracy and sufficiency of the Friends' register is somewhat due at any rate to the supervision that he exercises?—No doubt; but it has been accurate ever since George Fox's time. I can get the register of all my ancestors from the time of George Fox to the present time. Every marriage certificate is correct from the beginning; so that it is not due to the law.

462. I suppose that the Friends' registrar is a person almost invariably of considerable education?—Always, absolutely; and the clerk too must be.

463. How should you yourself account for the fact, that though the clergyman of the Church of England is also a well educated person, his registers are not so good as the Friends' registers?—The Friends' registrar is usually a man of business; you would pick a man as clerk who can write a good hand and sit at the table and act as chairman; and you would pick a registrar who is a good man of business and will do everything well.

464. Is the Friends' registrar always a male person?—Always.

Mr. *Oldroyd.*

465. You said just now I think, that your meeting houses were registered for marriage?—No, I said that we never married in those in which there was not a regular meeting for worship; that is our rule.

466. But is there any system of registration

Mr. *Oldroyd*—continued.

of those places that are used for worship?—No, I think not; I am not sure; but we can marry in any place in which there is a regular meeting for worship held on Sunday; and the marriage must be in an open meeting for worship; it cannot be held in a secret room; it must be in an open meeting at which all the public could enter.

467. You said just now, that the registrar must necessarily be present?—Yes.

468. Have you had any cases of inconvenience arising from that fact?—I never heard of it at all; I think he would put himself to any inconvenience to be present.

469. Is the Friends' registrar under any liability to penalty?—No doubt the same as other people; I am not aware what it is, but no doubt it is the same liability that other registrars have; I never heard what it is. I have heard the question of cost raised here. The only cost in our society is the 2*s.* which is paid to the public district registrar.

470. The registrar does not make any charge?—He does not make any charge for travelling or any other charge.

Mr. *Carvell Williams.*

471. You only marry in registered places of worship, places that are registered for marriages, do you not?—I do not know whether they are registered or not; I am not aware. We only marry in places that are used as regular places of worship; that is our rule. I do not believe they are registered; I do not believe they need to be registered.

472. What you have been describing to us as the practice of the Friends in regard to marriages, is not in accordance with the legal requirements, but is something super-added to the requirements of the law, is it not?—It is absolutely part of the law of the land.

473. Up to a certain point?—The whole thing is, it was acknowledged by the common law. They married in this way before it was legal; then trials as to the inheritance of property came on and it was acknowledged by the judges of the land more than 150 years ago to be a legal marriage, as good as any other; and the whole thing is part of the legal marriage acknowledged by the law.

474. But up to a given point your society are in precisely the same position as other Nonconformists; I am referring now to the notices?—Yes, that is necessary, but the marriage would not be legal unless the parties came before an assembly and made a declaration that they would be married; they would not be married without that. Simply the register before the Registrar General would not marry them. The marriage takes place in the meeting house by the declaration of each to the other that they take themselves in marriage for life.

475. And those declarations are not precisely the declarations that are required by other Nonconformists?—No, I can give you what the words are if you wish.

476. They are peculiar to your body?—Yes; I can give you the exact words.

477. Do you conform to the general law in regard

Mr. *Carvell Williams*—continued.

regard to the hours of marriage?—Certainly. It was before 12 o'clock; I think it is till 3 now.

478. And as regards registration, the system that you are allowed to adopt is in exact accordance with that which exists in the Established Church; that is to say, you keep your own register, and quarterly you send duplicates of the entries to the supintendent registrar of the district?—Yes; there is this difference, that I imagine the clergyman is not necessarily appointed. A curate can marry, who has received no legal appointment; the Friends' registrar must be appointed; his name must be sent up, and he must be appointed by the registrar in London, and he appears in the book of registrars.

479. I am speaking of what happens after the marriage has taken place; you have to send duplicates of the entries in your register precisely in the same way as the clergyman has?—Precisely in the same form.

Mr. *Perks.*

480. In the Marriage Act of 1836 I see that the 2nd section provides "that the Society of Friends, commonly called Quakers, and also persons professing the Jewish religion, may continue to contract and solemnise marriage according to the usages of the said society, and of the said persons respectively; and every such marriage is hereby declared and confirmed good in law, provided that the parties to such marriage be both of the said society, or both persons professing the Jewish religion respectively; provided also that notice to the registrar shall have been given, and the registrar's certificate shall have issued in manner hereinafter provided." That is what you may call your charter?—Yes, but that has been enlarged since, giving us the power to marry anyone. Two members of this House, not Friends, have been married at our meeting houses.

Sir *Francis Powell.*

481. When was that change made?—I believe in 1853; I am not quite clear.

Mr. *Perks.*

482. At all events your privileges and rights were reserved and recognised in that Act of 1836?—They were reserved; they were acknowledged more than a hundred years ago.

483. Then when the Irish Act was passed you were still protected in 1863; there were special clauses in that Act for the protection of Jews and Quakers?—Yes.

484. And in the Scotch Act of 1878 you were specially protected?—Yes; there are very few members of our society in Scotland.

485. Do you suggest any reasons why other bodies of Nonconformists should not be entitled to the same privileges as you possess?—It all turns upon whether they can lay their hands upon suitable persons to fulfil the duty.

486. What you call educated, business men?—That is precisely the point.

487. Do you suggest that the Wesleyan body could not provide men of as good education and as good business capacity as the Friends?—It would not do for me to give any opinion about that, but that is what the Committee must consider. The turning point is whether you can have reliable people to carry the matter out.

Mr. *Perks*—continued.

Mr. *Powell-Williams.*

488. Would not the number of marriages have a great deal to do with it?—I think, if I had to see to 20 marriages a year, I should be much more likely to do them accurately than having to do one in a year.

489. Supposing it went to a thousand. what would you say?—If it went to a thousand, I think I should do it better.

490. Is it not a question of being able to afford the time?—Well, I have not been tried; I cannot tell; but up to a very considerable limit, I think one would be improved by practice.

Mr. *Perks.*

491. Might I ask you one more question; you said that you did not think that the Friends' meeting houses were registered; I see here in the return of buildings registered for places of worship under the 15 & 16 Vict. c. 36, and the 18 & 19 Vict. c. 81, the Friends are registered as having 375 meeting houses?—That is a matter which has not come under my observation; that has been done in London, no doubt.

492. Have your meeting houses, in addition to being certified as places of worship, to be licensed for the solemnisation of marriages, and the fees to be paid?—Certainly not; I know about our accounts, so that I know that we do not pay an annual fee.

Mr. *Carvell Williams.*

493. Or any fee?—I would not say that we have not paid one 50 years ago, when the thing was done, but it does not come into our accounts. This is a question that I have not looked into before, and I can only say that there is no fee that comes into our accounts.

Mr. *Perks.*

494. Assuming that to be an accurate statement of the law, there is an anomaly in this matter between the Friends' meeting houses and other Nonconformist places of worship?—Yes, I did not think that there was a charge at all.

Mr. *Jordan.*

495. Is the registrar in the Society of Friends always a Friend?—So far as I know, I think he must be.

496. Do you find your mode of marriage satisfactory to the parties concerned?—Certainly.

497. Is it your experience, from the registration point of view, that your mode is satisfactory to the Registrar General?—Yes, I think you have had evidence from his Department to that effect here.

498. Do the Friends consider their marriage a religious ceremony?—Certainly.

498. Would the Friends, then, from your knowledge, willingly forego their present privileges and system, and accept the presence of an official registrar at their marriages?—I do not think

Mr. *Jordan*—continued.

think they would object to that at all; that is my feeling about it. They would not forego the religious part of the ceremony, but (I am only giving my own opinion) they would not object to any legal form forming part of it.

500. Would not they prefer to have a public registrar; would they object to that?—I do not think they would.

501. Are they prepared to forego the Friends' registrar for a public registrar?—I think so.

502. Which would they prefer?—I do not wish to give an opinion, but I should prefer that the public registrar was present at all marriages.

503. It would save you trouble?—It is no trouble to me; it is a pleasure to me to marry anyone; but we always fall into what is the law if we can.

504. The Friends' marriage is perfectly legal, though differing from the Nonconformist mode of marriage so much?—Certainly.

Mr. *Picton.*

505. I understand that you account for the accuracy and satisfactoriness of the Friends' marriage register by the custom of having a definitely appointed officer who is the registrar for that district, which is a county generally?—Yes.

Mr. *Picton*—continued.

506. That he officiates in that way at every marriage?—Yes.

507. And next you account for it by the fact that for this office educated and business-like men are usually appointed?—Yes.

508. Would you consider that the satisfactory experience of the Friends affords any justification for excluding the ordinary Government registrar from Nonconformist marriages?—Not at all.

509. Have you any knowledge of the schemes that have been proposed as a substitute for the present system?—No, I have not.

510. Have you seen Mr. Perks's Bill?—No.

511. Nor the Bills previously introduced into the House?—No.

Chairman.

512. What is the area that you cover as registrar?—Leicestershire.

513. The whole of Leicestershire?—The whole of Leicestershire.

514. And about how many marriages have you per annum in that district?—Very few; one in two years; something of that sort. You will find Birmingham very different.

Rev. DAVID JAMES WALLER, D.D., called in; and Examined.

Chairman.

515. YOU are, I believe, the secretary of the Wesleyan Conference?—Yes.

516. And you are well acquainted with the state of public feeling amongst the Wesleyans, and with the operation of the marriage laws in the chapels which belong to them?—Yes, I have a general knowledge of that. I know more particularly the resolutions that have been forwarded on the subject from our District Synods, and the action of the Conference in reference to them.

517. Perhaps the better way would be first of all to ask you this: I think you have in your denomination a Committee of Privileges, as it is called, to which is assigned by the conference the duty of watching over Parliamentary matters?—That is so; a large committee consisting of ministers and laymen.

518. And has this question of the marriage laws been brought before that Committee?—The Conference referred the matter many years ago to the Committee of Privileges, and has done so from year to year; and at the last conference held in July and August 1892 referred again to the Committee of Privileges the question of the introduction into Parliament of such a Bill with instructions to reconsider the whole question, and to act accordingly.

519. Now is there or is there not at the present time as regards the question before us, any grievance felt on behalf of the Wesleyans?—There is a strong feeling undoubtedly, as represented by the action taken in the several District Synods. England is divided into 31 districts; the synods meet annually, and forward to the conference suggestions or resolutions on any

Chairman—continued.

subject which they deem to affect the general interests of Methodism, and such communications have been made from time to time. Generally speaking, I think in the matters as they have come before the conference the complaint has been not so much the practical inconvenience, great as that has often been, but the absence of religious equality, and the enforced presence of the registrar being regarded as a stigma, implying a mark of inferiority.

520. Inferiority to whom?—Inferiority with respect to the clergy of the Established Church, who perform the marriages and register them.

521. Does the question of cost cause any annoyance or any feeling of grievance?—Yes, undoubtedly the question of cost comes in, and is frequently referred to. This has proved a serious barrier to Nonconformist marriages.

522. I see that you have got a paper before you; have you got a list of the various synods and of their reports upon this subject?—Yes, I have a list here before me. I have searched the Conference records for 30 years; I thought that would be far enough to go back. The Bath District Synod forwarded a recommendation to the conference on the subject to dispense with the presence of the registrar, and the answer given at that time was that it was deemed "desirable but hopeless."

523. What time was that?—1863. Then, in 1867, in reply to a memorial from the Bristol District Synod, the conference then, for the first time, directed the Committee of Privileges to take such steps as they might deem expedient, and to report to the next conference. Then, in 1868, the conference appointed the Committee of

Privileges

Chairman—continued.

Privileges "to collect information on the different methods of registration of marriages, and to report the result, with a view to a method which will comport with Methodist feelings." Then, in 1869, I find that the Bath, the Hull, the Devonport, and the Cornwall District Synods memorialised on the subject, when the conference resolved, "That, as it is probable an Act to regulate the celebration of marriages may be brought forward by the Legislature at an early period, the further consideration of the subject be deferred, the conference only asserting the principle that any legislation on the subject should recognise perfect religious equality among different religious denominations." Then, in 1873 (the feeling had grown very much in the meantime), 15 District Synods memorialised the conference to seek a change in the legislature, when the conference adopted the following resolution——

524. Fifteen districts, you say; that would be about half of England?—That would be quite half of England.

525. England and Wales, and Scotland?—No; excluding Scotland.

526. England and Wales?—Yes; and excluding also some other districts, the Isle of Man, the Channel Islands, and so forth. The conference adopted the following resolution: "The conference, after considering the suggestions made to it by several district committees, declares its judgment, that adequate provision should be made to secure a complete and uniform national registration of all marriages to be hereafter solemnised; and that there ought to be such an amendment of the laws relating thereto as would secure in all respects perfect religious equality for all denominations as to legal conditions on which marriages shall be solemnised and recorded. The conference further instructs the committee of exigency to endeavour to carry these sentiments into effect." And the Leeds District in 1877 sent a memorial in favour of "an uniform system of civil registration for all marriages." The conference approved the principle, adding that "the restriction of hours (8 to 12) should be with drawn." In 1882, several districts having in the meantime forwarded resolutions on the subject, the conference directed the committee of privileges to consider in what way the marriage law could be amended so as to place Wesleyan ministers, in respect of the performance of the ceremony, on an equality with those of the Church of England, and to report. Then, in 1883, the conference adopted the report of the committee of privileges as embodying the principles of the legislation desired, and this I take to be, and it is indeed, the opinion of the Conference. There was a variety of views expressed, and this resolution contains substantially the view of the Conference.

527. Before you give us that, let me ask you this question: The Conference that you have been speaking about used formerly, I believe, to be an entirely clerical body?—It was so.

528. When was that altered?—It was altered in 1877, so that all the resolutions after 1878 are the resolutions of a united body consisting of 240 ministers and 240 laymen.

Chairman—continued.

529. Now, with reference to these subsequent ones that you are now giving us of 1882 and 1883, is the complaint which is made a purely ministerial complaint, or a complaint partly by the laity?—I am speaking of the resolutions adopted by the conference, consisting of ministers and laymen in equal numbers.

Sir *Francis Powell.*

530. Is the committee of privileges partly laymen and partly clerical, or wholly one or wholly the other? — It is combined; equal numbers.

531. You spoke of the conference as consisting of equal numbers?—Yes, the conference is equal numbers; the committee of privileges is also equal numbers.

Mr. *Carvell Williams.*

532. So that you are expressing lay opinion, as well as ministerial opinion, from a certain date? —That is so.

Chairman.

533. You have an extract to give us from the minutes of conference?—Yes; it is an extract from the minutes of conference, 1883, page 247, Marriage Law Amendment; and, it is as follows: "The conference adopts the principles of the following scheme for dispensing with the attendance of registrars at marriages celebrated at Wesleyan chapels, and direct the sub-committee of privileges to support, by memorial or otherwise, any Bill which may be brought before Parliament embodying these principles. (1.) Notice must be give at the office of the registrar as at present. (2.) Fourteen days after such notice the registrar shall issue a certificate, or three days after such notice a license on the production of which any minister duly authorised for that purpose may celebrate the marriage, in any duly registered place of worship, within a reasonable time, to be fixed by law. (3.) Duplicate forms of a certificate to be furnished by the registrar, shall be signed immediately after the marriage by the minister, the newly married persons, and two witnesses. One copy of the said certificate shall be forwarded to the registrar by the minister performing the ceremony, either personally or by post, in an envelope provided by the registrar; the penalty for not so returning it, to be fixed by law. The other copy shall be retained by the minister. The registrar having received the certificate of the performance of the marriage, may at any time afterwards issue a certified copy of the entry in the register. (4.) The total fees charged at the registrar's office, should not be greater than the fees charged for an ordinary marriage, according to the rites of the Church of England. The date of that is 1883."

534. There is just one phrase there that I think requires explanation, and that is this. "Fourteen days after such notice the registrar shall issue a certificate, or three days after such notice a license, on the production of which any minister duly authorised for that purpose may celebrate the marriage"; do you mean duly

Chairman—continued.

authorised by law, or duly authorised by the conference?—I should say that the intention of the resolution was, any minister duly authorised by the Wesleyan Conference.

Mr. *Picton.*

535. Duly authorised for that purpose, for the marriage?—No; that any Wesleyan minister duly authorised by the Conference should perform this ceremony in a Wesleyan chapel duly registered.

Mr. *Powell-Williams.*

536. What do you mean by "duly authorised minister"?—My opinion is, that the meaning of this is, any minister of the Wesleyan Methodist Church, not a lay preacher, but a minister who is duly ordained, and set apart, and recognised as such.

Mr. *Perks.*

537. But on that point, of course you are aware that lay preachers frequently, at least occasionally, do marry in the body. There is no rule of the Wesleyan body which prohibits lay preachers from conducting marriages?—The question, I take to be first, as to the meaning of the term "minister duly authorised" in this resolution; I have given my opinion as to that. Then you have asked me whether it is not the case that in Methodist chapels marriages have been performed by other than Wesleyan ministers. That may be, because as the law stands, if the words in the legal form were used in a Wesleyan chapel by a minister or local preacher, it would be legal.

538. I meant to put it a little higher than that; I by to ask you, are you aware of any ecclesiastical regulation of the Wesleyan Methodist Church which prohibits a local preacher or a lay preacher from conducting a marriage?—I know of none.

Chairman.

539. From 1884 until 1892, have memorials been forwarded to the conference?—From 1884 until 1892, memorials have been forwarded to the Conference from District Synods in various parts of the country, and the reply of the Conference has stated that resolutions in favour of changing the law have already been adopted, and that the matter is in the hands of the committee of privileges. For several successive years the Conference has adopted a resolution in favour of dispensing with the attendance of registrars at marriages in Nonconformist places of worship, so that the District Synods have not deemed it necessary to pass specific resolutions on the subject. There has not been a year, I may say, for seven years certainly, whilst I have been secretary, when the conference has not formally passed such a resolution, and since the introduction of the Bill into Parliament there has been a general feeling manifested in favour of the principles of the Bill, and in several of the synods, held during the past month, resolutions have been adopted in favour of it. I will give you instances. The Second London District Synod, which is one of the largest, finding that the conference had requested the committee of privileges to seek the introduction of a Bill into Parliament to relieve Nonconformists of the presence of the registrar at marriages celebrated in their places of worship, and that, in accordance with the request of the committee of privileges such a Bill had been introduced, were unanimously in favour of its principle, and expressed a hope that the Bill would become law; that was the Bill introduced by Mr. Perks.

Chairman—continued.

540. The district synod is held in May of every year?—Yes; it was held last month. The gentleman who moved this resolution had a copy of Mr. Perks' Bill in his hand, and dwelt upon some of the clauses.

Sir *Francis Powell.*

541. Is the Synod lay or clerical, or mixed; is it wholly either one or the other, or is it mixed?—The synod is partly ministerial for all purely ministerial questions. The Synod is partly clerical and partly lay for all other questions; and all these resolutions were adopted in the synod consisting of ministers and laymen.

542. In equal numbers?—Not in equal numbers in the synods, about equal numbers, but not exactly so.

Chairman.

543. Equal numbers for all practical purposes?—For all practical purposes equal numbers.

544. Now there is a second synod you can tell us something about, the Kent District Synod?—Yes. The Kent District Synod respectfully suggests that the committee of privileges should proceed as rapidly as possible with the Bill, to relieve Nonconformists from the compulsory presence of the registrar. The Portsmouth District Synod expresses its general approval of the Nonconformist Marriages Bill, which, at the request of the committee of privileges, Mr. R. W. Perks has introduced into the House of Commons, and earnestly hopes that it may speedily become law. In the Exeter District the synod believes that the present regulations discourage Nonconformist marriages in the following respects: (1). By the necessary presence of the registrar at the religious ceremony. (2). By the inconveniences arising from: (a) The costs and methods of registering chapels for marriages (a consequence of which is, that in this district there are many societies which have no registered building within many miles of their chapel); and (b) The requirements for the necessary notices, especially when the parties reside in different districts, or when they wish to be married in a distant chapel, say in that of the circuit town. (3). By the frequent association of the registrar's office with the machinery of the Poor Law. The synod, whilst wishful to secure all protection against clandestine and improper marriages, yet earnestly requests the conference to favour such legislation as will remove these difficulties. The synod is also of opinion that arrangements for marriage by banns in our chapels may be advantageously made.

545. Perhaps you ought to explain to us what is meant by No. 3 paragraph: "By the frequent association of the registrar's office with the machinery

Chairman—continued.

chinery of the Poor Law;" what is the complaint there?—The complaint is that the banns of marriage are really put up in the workhouse, and that the whole thing is so closely associated with the Poor Law that it is objectionable. One man writes: "I beg to inform you that when I gave notice of marriage I was then living at Cheriton, in the Sherborne circuit, in the Wincanton Union district. My first business in connection with the registrar was to go to the Wincanton Workhouse and see the registrar, and he registered there; and as my wife was living in the Wells Poor Law district, I had to lose a day's business and go to the Wells Work house to register there; and I assure you that my name, with my wife's, was hung up in the Wincanton and Wells Workhouses, with many others that I saw."

546. Now I think you come to the Bedford and Northampton District Synod?—That synod heartily approves of the Bill relating to Nonconformist marriages, and hopes that it will pass during the present Session of the House, and thereby relieve Nonconformists of an irritating grievance."

547. Then Nottingham and Derby Synod?—The Nottingham and Derby District Synod adopted the following resolution: "That a petition be sent to the House of Commons from this synod in favour of the Bill to relieve Nonconformists from the presence of the registrars at marriages celebrated in their places of worship." In the Halifax and Bradford Synod, attended by over 200 members, representing 22,000 Nonconformists, a similar resolution to that adopted in the Nottingham district was unanimously agreed to. The York district adopted a resolution in favour of the principle of the Bill, as also did the Lincoln and Carlisle District Synods. These cover, as you see, various parts of the country, and are spread generally over the country. I received the following communication from the Rev. John E. Wakerley, who is the minister in charge of the London Central Wesleyan Mission. He says: "May I be permitted to say that the increased cost of the registrar at marriages in chapels" (I may say that this minister has charge of one of the largest and poorest churches in the very centre of London, but a church with about a thousand members) "militates against us in such a working class district as mine; our folk say: We get it done cheaper at church than chapel. Frequently, however courteous the registrar may be, it is inconvenient for the people to make the registrar's time suit them, particularly when in a given district there are many weddings in one morning. This week I have a case where considerable inconvenience has been caused. I hope you will strongly support the Bill now before Parliament to effect a change in this direction." The secretary of the Devonport district states that the feeling of annoyance at the existing state of things is very strong throughout the district. The secretary of the East Anglia district synod states: "I am confident that great interest is felt in the subject of the Marriage Bill, and the opinion prevails that with proper safeguards, Nonconformist ministers should be treated as are ministers of the Established Church." From

Chairman—continued.

Bath, the secretary states that every minister in the district is in favour of the Bill. The secretary of the Leeds district, it is only fair to state, says that the ministers would prefer that the registrar should attend all marriages, or that his presence should be dispensed with at all Nonconformist marriages. Then I have had brought under my notice a very considerable number of cases of hardship, I should like to state, however, that my own experience is that registrars, generally speaking, are courteous and attentive to their duties, and that I have never found very much ground for complaint, I have however been kept waiting many a time. My being kept waiting would be a matter of very small moment; but the parties to be married, and the friends being kept, was another matter altogether, and this is not altogether the fault, indeed not at all the fault of the registrar in many cases. In Liverpool, in Manchester, and in Hull, and in many of the larger towns where I have been a minister in charge of churches, there are certain times when there are many marriages to be held on the same day. The registrar makes his arrangements; you have to take his time; in many cases it is rather an inconvenience, but you must fit everything in to suit the registrar; but when you have got the time fixed, perhaps the very first wedding he has, the parties are late; he is thrown out, and if he is thrown out in the first instance, he is thrown out right along the line, and you will have in consequence, perhaps, 100 people in one morning disappointed, and suffering great inconvenience. I have also known a case under my own notice where the registrar entirely forgot all about the wedding, and we had to send in every possible direction. We got him in time for the operation of the law, just five minutes to 12, and went through the words, and then we went through the ceremony afterwards. I need hardly say that such a state of things as that was somewhat scandalous. The hours have been extended since then, of course. Then I have instances here, which I should be glad to bring out in brief, or more extensively. I think that some of these cases would answer questions which I heard addressed to Mr. Shepheard.

548. Will you please condense them as far as you can?—In the Kirton Lindsey district, six miles from Brigg, Lincolnshire, all arrangements were duly and properly made; and the registrar, who resides six miles from the chapel, was duly informed of the time and place of the intended marriage. He forgot all about it, and that caused three hours' delay.

549. When was this?—The letter was addressed on the 15th of May.

550. Is that case within the last year or so?—Within recent times, certainly; that caused three hours' delay.

551. Was that reported to the Registrar General?—I should think not. In the case where the parties were all kept waiting, which I referred to, which came under my notice, the registrar apologised to me, and begged that I would not report him; but, as a matter of fact, it was not the first instance; and I did not report him, because I was given to understand that something better would take place, which did

Chairman—continued.

take place, namely, that someone else was appointed to take his office. He was an aged man, whose memory was somewhat at fault. Then here is a case from Leicester. Mr. Silas Horne says: "After making all arrangements, and giving proper information to the registrar, owing to his forgetting the appointment, the parties were kept waiting three-quarters of an hour, until the registrar had been reminded of his appointment, and been brought to the chapel." Then the Rev. Edward Thompson, one of our ministers, speaking of a case at Selby, says: "Arrangements were duly made, and the parties drove in from their village, a distance of about four miles; the registrar entirely failed to appear, and a search for him was unsuccessful. The wedding was necessarily deferred; but the parties were so much annoyed by the occurrence that, although Wesleyans, they preferred to be, and actually were, married in the parish church." So that there you have a case of our people being driven by the arrangements to be married elsewhere. In reference to a case at Maidstone, I have a letter from Mr. G. F. Baker, who says: "In this case all arrangements were made, and formal notice given to the registrar of the time and place. The registrar was engaged on some political work, and consequently forgot all about the appointment, and arrived about 35 minutes late."

522. What is the date of that?—He writes on the 18th of May 1893; the wedding took place two years ago.

523. Then the case is one in 1891?—Yes, 1891. When he arrived, Mr. Baker says that before proceeding with the marriage, the registrar "cross-examined the bride as to her identity, &c., in the presence of all the parties, and at the altar" (we should say communion, I believe, generally). "Complaint of this case was made to the Registrar General, but had no apparent result." Mr. Baker also vouches for the following: "Marriage in July 1891 at the New Cross Wesleyan Chapel. The registrar was duly advised by letter, which he acknowledged, of time and place, but he forgot the appointment, and kept the parties waiting for an hour and five minutes." Mr. Banister, of Peasmarsh, Sussex (this is in 1882, a more ancient date), was married in a hurried and irreverent manner, but other parties who were present at the chapel had to have their marriage postponed till another date. I am shortening it, and so I missed out the first part of the statement that the registrar did not come in time.

554. And he had not time for the work when he did come?—Yes. In this instance, although the registrar had been informed of two weddings to take place on the same day and at the same chapel, he failed to attend. I might give other cases.

555. We may shorten this, I think, because it is unnecessary to pile up the numbers; you have a number of other cases apparently?—I have a large number and variety of cases here. Some of them are more grave than others. Here is a case which I take to be very serious where the marriage had to be postponed to another day. The Rev. William L. Wingell, Wesleyan minister at Stourbridge, states, "Every formality was complied with, but the delay took place."

Mr. *Picton.*

556. What is the date of that?—He does not give the date; he writes the letter on the 29th of May 1893; but he says, "A few years ago," not giving the date. He says, "Every formality was complied with, and due notice given to the registrar, and the parties drove several miles in order to reach the chapel, which they did at the time fixed for the wedding. The registrar was not present, and neither he nor his deputy could be found that day, and the wedding had to be postponed, thus causing inconvenience and considerable additional expense." The Rev. George R. Osborn, Wesleyan minister in charge of our church at Wandsworth, states, that on the 8th June 1892 he was obliged to postpone a wedding at Wandsworth in consequence of the failure of the registrar to arrive in time, although every formality had been complied with and due notice given. The Rev. Henry Brown, of Aylesbury, vouches for a case which occurred on Christmas Day 1890, at Idle, in Yorkshire. The registrar, who resides at Bradford, was late, and stated that he had to go back to Bradford by the next train to conduct another wedding, and in consequence proceeded himself in the presence of the minister to legally marry the parties. The minister protested against this as unseemly and irregular, but without result. The registrar persisted in his determination and then left, whereupon the minister proceeded to carry out the religious service in a reverent way. The registrar before leaving insisted upon receiving his fee, saying that unless he was paid he would decline to register the marriage. Then, I have cases in which, in consequence of the failure of the registrar to give proper information to parties, necessary formalities have not been complied with. Shall I go into those?

557. I think so; Members of the Committee think that we ought to have these details to see the substance of the complaints made?—Mrs. Charles, of 17, Chalk Farm-road, states that in connection with her own marriage she went to give notice to the registrar at Shoreditch, who was very disagreeable, and frightened her, but gave her the impression that she had complied with all the necessary formalities. The registrar failed to appear, but ultimately sent a message within a few moments of the statutory time, that the chapel was not in his parish, and notice ought to have been given to another registrar. Consequently, delay and additional expense was incurred which might have been obviated. Then I have a case of negligence on the part of the registrar's clerk. The Reverend John Bennetts, of Aylesford, near Maidstone, Wesleyan minister, states that a wedding was to have taken place in the Wesleyan Chapel at Aylesford, on the 23rd November 1892, and that every care was exercised by the parties to carry out all the necessary formalities. The assistant registrar, wrote that he had been advised of the proposed marriage, and that the required notice had been duly posted in the superintendent registrar's office. At the very time fixed for the wedding the assistant registrar informed the minister that it could not take place that day, as, in consequence of a clerk's negligence, notice had not been copied into the official book on the day it was handed in. The parties, consequently, had to leave the church and pospone the wedding.

558. The

Mr. *Picton*—continued.

558. The fault there, if there was one, was not the fault of the parties in any way?—No; the fault of the registrar's clerk. In this case the defaulting clerk did all he could to make amends; but it is the system which is in fault. Then I come to cases in which, through the default of the registrar, marriages have not been legally performed. It is more and more of the same thing. I am quite sure, however, that, so far as the sentiment of the Wesleyan Church is concerned, it does not rest on the cases of inconvenience and neglect. These might be remedied; they will arise in any system; but there is a very strong feeling that the registrar should be dispensed with; that a plan should be adopted similar to the one which is in force in Scotland, where our ministers perform marriages, and no serious calamities have ever happened. And, indeed, our own minister in connection with the Army work, at Aldershot, always performs and registers the marriage himself, and no error or lapse of any sort has ever happened.

Sir *Francis Powell.*

559. Is there a special law with regard to Aldershot?—The Army Regulations.

Mr. *Picton.*

560. I believe you confine your claim to the "duly authorised ministers"?—That is, I feel sure, the position taken by the Conference; that is what I have always understood.

561. I noticed particularly that the resolution passed, I think by the Conference, emphatically desired that "a duly authorised minister" should be able to perform the ceremony?—That is the case.

562. The resolution which you have handed in?—Those are the words in the resolution of the Conference of 1883.

563. Then I believe that afterwards a number of resolutions were read from different synods, expressing approval of the Bill introduced by Mr. Perks?—Yes.

564. But that Bill does not confine it to duly authorised ministers, or to any ministers at all?—I believe that is so.

Friday, 9th June 1893.

MEMBERS PRESENT:

Mr. Griffith-Boscawen.	Mr. Picton.
Mr. Jordan.	Sir Francis Powell.
Sir John Kennaway.	Mr. Carvell Williams.
Mr. Oldroyd.	Mr. Powell-Williams.
Mr. Perks.	Mr. Waddy.

MR. WADDY, IN THE CHAIR.

The Rev. DAVID JAMES WALLER, D.D., re-called; and further Examined.

Chairman.

565. WAS there something that you desired to say by way of supplement to what you have already said, or of correction?—More in supplement. I was anxious to present before the Committee the number of years that resolutions had come from the several District Synods, and that in 1883 the Conference adopted a most important resolution on the marriage law amendment, which was included in my evidence. Now the Committee would not really be in possession of the precise attitude of the Wesleyan Connexion in reference to this matter unless I add to my evidence. The Conference, so late indeed as 1886, directed the Committee of Privileges to endeavour to bring into Parliament a Bill to relieve Nonconformists of the presence of the registrar at marriages celebrated in their places of worship, such measure being based upon the principles laid down in the minutes of Conference of 1883. That is in accordance with the resolution that is already in evidence. But at the following Conference of 1887 the Committee of Privileges was directed to seek to introduce a Bill to relieve not merely Wesleyan Methodists but Nonconformists generally; and the Conference then departed indeed from the basis of the resolution of 1883. There was no further any direction that it should be in accordance with that precise resolution. I can add what has been the action of the Conference, very briefly, in reference to the matter since then. When Sir Richard Webster's Bill was introduced the matter was brought before the Committee of Privileges, and it was decided that this Bill was applicable solely to the case of Nonconformist bodies having a central ecclesiastical governing body. The opinion was that this Bill would have met the case of Wesleyan Methodists; but the Conference had decided that we should cast in our lot with the Nonconformists generally, and that whilst that Bill met the case of the Wesleyans, it would not meet the case of the Nonconformists generally. Then, too, it was deemed that the Bill imposed heavy charges for the registration of Nonconformist ministers authorised to conduct marriages, and that the penal clauses were very serious and unwarrantably heavy. Then, in accordance with the resolution of 1887, steps were taken to introduce a Bill into Parliament during the Session of 1888 which would meet with the general approval of the various Nonconformists; and such a Bill was introduced by the Right Honourable H. H. Fowler. Mr. Atkinson introduced a Bill; he was not requested to do so, if I remember, by the Committee of Privileges, but he did so introduce a Bill; but the Committee of Privileges in April 1891 unanimously resolved, "That the Bill introduced by Mr. Atkinson was objectionable on the ground that, whilst it purported to deal with the case of Nonconformists generally, it was confined to the case of Wesleyan Methodists."

Chairman—continued.

Sir *Francis Powell.*

566. Are you speaking of the Conference?—I am speaking of the Committee of Privileges, to which Conference had deputed its authority. It was decided, secondly, that the amendments proposed by the Attorney General tended to aggravate the existing evil, and also to prevent Nonconformists being married in their own chapels. Then the Committee further resolved that the amendments proposed by the Right Honourable H. H. Fowler, being those which were contained in the Bill framed by the Committee in 1888 upon the instruction of the Conference, acting in concert with the representatives of Nonconformist churches, should receive the united support of Wesleyan Methodists and Nonconformists. A petition embodying the above declarations was presented to Parliament, and a statement containing the views of the Committee was sent to every Member of Parliament; and if you think it would answer any useful purpose I could place before the Committee this document, which was carefully prepared by the Committee of Privileges, and which states the position of the Wesleyan Conference in April 1891, and was sent to every Member of the House of Commons; and there is no departure from the position there taken. (*The Paper was handed in.*)

567. Do

Chairman.

567. Do you tender that as being a fair representation of what you believe to be the present views of the Wesleyan Conference?—Certainly.

Mr. *Picton.*

568. Some of the further information I desired to get from you has been given in your evidence this morning, but perhaps you would allow me to ask you, do you adhere to the answer you gave me last week, at No. 560, when I asked you: "I believe you confine your claim to the 'duly authorised ministers'?" and you replied: "That is, I feel sure, the position taken by the Conference; that is what I have always understood." Does the information you now give somewhat modify that?—Yes; so far that that was the position undoubtedly taken in the resolution of the Conference of 1883, in which the words were, "a minister duly authorised," and that so far as the Wesleyan Methodist Connexion is concerned, I feel sure that ministers who are in the Connexion "duly authorised" would be the persons who would perform the marriages (they do so now), but that the Conference since then has cast in its lot with the Nonconformists, and I am not in a position to define "a minister."

569. Then let me ask, do you think the Conference would object to confine the office of registering marriages after performing them to ministers or others, who are registered for the purpose; I would like to explain clearly what I mean: at the present buildings are registered for marriage?—They are licensed.

570. They are registered, are they not?—They are registered for purposes of worship and licensed for marriage.

571. When I say they are registered, perhaps I do not use the exact term that I should?—I was only wishing to be accurate myself.

572. They are on a register, I mean, and you could not have a marriage in a building that was not licensed for the purpose?—That is so.

573. Would there be any objection to have also licensed or registered persons who should be competent to conduct and to register marriages?—Well, in answer to that, all I can say is (and I wish it here to be understood that I am representing as far as I know the position of the Connexion) that when Sir Richard Webster brought in a Bill that the ministers should themselves be licensed, the Conference objected to that, distinctly objected to it partly on the ground of the expense which was involved.

574. I must call your attention again to the resolution of the Conference in, I think, 1873, in which are some very important words in your answer to No. 526. You gave to us this quotation from that resolution: "The Conference, after considering the suggestions made to it by several district committees, declares its judgment that adequate provision should be made to secure a complete and uniform national registration of all marriages to be hereafter solemnised." I note the words, "adequate provision for a complete and uniform national registration;" do you think that it is consistent with that object to allow anyone to fill up registers, irrespective of qualification at all?—I should say no, certainly, not "anyone."

Mr. *Picton*—continued.

575. Then there should be some limitation with that object of securing a thoroughly accurate register?—I think that is of very great importance indeed.

576. I notice you state what I think has also been urged by one other witness, that there is a somewhat painful feeling on the part of Nonconformist Wesleyan ministers that they are put in a position of inferiority to clergymen of the Established Church?—That is so.

577. May I ask in what does the inferiority consist; that they are not allowed to register the marriages?—No; it is that they are not allowed really to perform the marriage, and so far transact the whole of the marriage without the presence of the registrar. I am not aware that the feeling is one that they themselves should register the marriage but that they should conduct it, and that the forms, properly filled up, should be forwarded to the registrar.

578. I will put it in this way, as I want to get at the exact feeling: is it a sense of spiritual inferiority or of civil inferiority?—I should say both.

579. Wherein does the spiritual inferiority consist?—Well, they regard the matter as a religious service, and they also regard themselves as duly qualified ministers. I have received authority to preach the Word and administer the Sacraments, and fulfil all the duties of a minister. When I come to this one question of a marriage, the marriage, whatever religious service I may perform, is all of no avail whatever if the registrar were not there, and would be of no avail if the registrar should not fulfil his duties properly; and that is felt to be a grievance.

580. Then amongst the Wesleyans it is believed that the minister does effect the marriage, does bind the parties together?—Certainly, when the words which are prescribed are properly used. The minister uses those words; I have used them scores of times; the registrar does not use them; and it would not be a marriage unless certain words were used, words which have been put into Mr. Perks' Bill.

581. You are aware that in other countries the Roman Catholics, who hold very high views about the priesthood, submit to a civil marriage, and that all people are at first civilly married before they are religiously married?—Yes.

582. In that case the civil marriage is binding?—The civil marriage is binding as far as the State is concerned, certainly.

583. And the spiritual as far as the Church is concerned?—If I might give you a case, that I did not put before you in evidence the other day, it will illustrate my meaning. The registrar sent someone who was not properly qualified as his substitute, to enter it in the register. The parties leave; some months pass by; the forms are in due course sent up to the Registrar General; and by-and-bye, to the consternation of this couple, they received an intimation that they are not married; that the registrar had sent an unduly authorised person. What follows? They had to go to the registrar's office and be married. A month afterwards the first child was born. Now, personally, I should say that from a religious point of view those two persons were religiously, morally married; but

Mr. *Picton*— continued.

so far as the legal part of it was concerned they were not married, and they had to submit to another marriage, a civil marriage.

584. Would they not be morally married if they met together before a number of people and declared that they would marry one another? —In some circumstances they would be; but it is of the utmost importance that the civil marriage should be properly performed.

585. Then you would approve of any system that separated the civil from the religious marriage, and gave to the civil marriage the guarantee of the State, leaving the Church to give its guarantee to the spiritual part of it?—If you asked me whether the Wesleyan Methodist Church has expressed an opinion on that I should have to say that I am not aware that it has done so. If you were to ask me for my own personal view (which is a matter of small moment), it might be that in my own view I should say that the proper and ideal thing would be that a registrar should attend to enter in the register every marriage that is performed anywhere and everywhere throughout the whole country; but if I were to be asked as to whether I think that is at all within the region of practical politics, I should say that I do not; and if we as Nonconformists have to wait until that comes to pass, seeing that we have now been pressing for 30 years for dispensing with the registrar and getting equality, and that we have not reached the goal yet, we should have to wait twice 30 years perhaps.

586. Would it satisfy that feeling if registrars were obliged to be present at Church of England marriages as well?—That was what I had in my mind when I answered the previous question.

Chairman.

587. That, I understand, is your own personal feeling?—Yes.

Mr. *Picton.*

588. I must call your attention to the fact that you have reiterated your view, that if the Bill, or a law like the Bill promoted by Mr. Perks, were passed, the Wesleyan Conference would limit the conduct of marriages to duly authorised ministers. You said so in answer to Question 536, where your words are: "My opinion is, that the meaning of this is, certainly any minister of the Wesleyan Methodist Church, not a lay preacher, but a minister who is duly ordained and set apart, and recognised as such"?—That is so now, and I have no doubt would continue to be so. The Conference has not passed any legislation upon it whatever. It is the custom and usage of the church.

589. I should like to point out to you that it would practically give to us an effective registration?—It would, there is not the least doubt.

590. You heard the evidence given by Mr. James Ellis, of Leicester, in which he described the system of registration carried on by the Society of Friends. There again you have an effective register preserved. I only want to point out to you that my one difficulty is solely about the accuracy of the register to be preserved, and that anything that will guarantee that would meet the difficulties that I have felt in my own mind; and therefore it is that I am pressing the question upon you in order to know whether you would object to have the people registered or licensed as well as the building; but that question you say you are not in a position to answer for the Conference?—No, except that I may answer so far as this, that the Bill prepared by Mr. Perks was brought under the consideration of the United Committee of Nonconformists; that it was afterwards brought under the notice of the Committee of Privileges early in January of this year, and that the Committee of Privileges gave its approval to that Bill. That is really the position of affairs.

Mr. *Picton*—continued.

591. But you are aware that even amongst highly educated people like the clergy of the Church of England a large number of errors are made in filling up the registers?—Yes.

592. Have you seen the Return that was given to the House of Commons on the subject?—Yes, I have seen it.

593. Are you aware that in one year there were 748 entries which failed to show the place where the marriage was performed; are you aware that there were 264 entries unsigned by the clergyman officiating at the marriage; have you seen that?—I have seen the Return.

594. Do you recognise that such errors would interpose great difficulties in the way of proving the marriage if it had to be proved afterwards? —I think that that might show that there is very great need of reform of the defective registration of marriages in the Church of England; but that is a matter that lies quite outside of anything on which I wish to give evidence. I do not think that such a thing could be possible in connection with the Wesleyan Methodist Church.

595. I am only pointing out to you that where such precautions are observed as confine the registration to highly educated people these errors occur, and I ask whether it is not probable that far more errors would occur if anyone, as under the Bill proposed by Mr. Perks, without a guarantee that he was able even to read or write, was allowed to perform the marriage and to register it afterwards; would not that open the door to a very considerable amount of error?—I think it is possible that errors might arise, and I think it is a matter of very great importance that every possible precaution should be taken in a matter of so great a moment.

596. I would like to call your attention to the words used by the secretary of the East Anglian District Synod given in your answer to Question No. 547, at the bottom of page 31, in the left-hand column: "I am confident that great interest is felt in the subject of the Marriage Bill, and the opinion prevails that, with proper safeguards, Nonconformist ministers should be treated as are ministers of the Established Church." I note that there it is confined to ministers; and, in addition, the secretary says, "proper safeguards" should be observed?—Yes.

597. I would like to understand why it is that in later resolutions, as I understand is the case, from what you told us this morning, the Conference has abandoned all idea of such precautions?

Mr. *Picton*—continued.

cautions?—I am not prepared to say that the Conference has abandoned the idea of precautions, but I tried, in the supplementary evidence, to place before the Committee the history of the change. Formerly we acted for ourselves; the resolution of 1883 was for Wesleyan Methodists; and it so remained until 1886; since then we have cast in our lot with the whole of the Nonconformists in the country, and our legislation since then has been a united legislation; and, therefore, we leave out such phraseology as "minister" and "authorised person."

598. And safeguards?—No, I should say that we do not leave out safeguards. It would be nothing short of a calamity if marriages could be performed without safeguards.

Mr. *Griffith-Boscawen.*

599. You stated that you are aware that great errors have crept into registers kept by clergymen of the Church of England, and that you thought such errors as those would be impossible in the Wesleyan Methodist Connexion; I should like to know why you think that errors could not creep in in that Connexion?—Perhaps I should say impossible to such an extent; and not likely to occur among the ministers of the Wesleyan Methodist Church, a very large proportion of whom have been drawn from the ranks of men occupied in business and various professions before they entered the ministry; a considerable proportion, of course, go direct from the university; but they have a great deal to do with business; they are continually engaged in a highly organised church like ours in filling up schedules and forms, and they become quite familiar with things of that sort.

600. This filling up of the register being one of the regular duties of clergymen of the Church of England, is it not probable that they are more likely to do it accurately than the Wesleyan Methodists, who are only, if this Bill passes, called upon for the first time to perform such duties?—I should hardly say that that is a correct representation. In the first place I have performed the ceremony at hundreds of marriages, and at each marriage I have filled up a form identical with the one that is filled up for the registrar; and that is kept in the vestry under safeguard in connection with every church; and I am as familiar with the form and the filling up as any clergyman; and if we had the history of those cases in the Church of England we should probably find that some very young and inexperienced gentlemen had performed the marriages, and not the vicars and rectors who are accustomed to the duty.

601. Then in reference to your answer, No. 536, and to what you subsequently stated to Mr. Picton, you said that you now cast in your lot with the whole Nonconformist bodies; which means, probably, that not merely a duly authorised minister but anybody else chosen to officiate at a marriage may do it; do not you think that that person would be quite as inexperienced as the youngest curate, and that therefore the sources of error would be quite as great if not greater?—The persons that we have referred to are the representatives of the Dissenting Deputies,

Mr. *Griffith-Boscawen*—continued.

the Primitive Methodists, the New Connexion Methodists, the Free Methodists, and the Bible Christians. Now most of these (at least with the exception of the Dissenting Deputies) are branches of the Methodist family, and I can say that, generally speaking, they would be as able to perform the duties as any Wesleyan minister.

602. But you said that you had cast in your lot with the whole Nonconformist body?—That is so.

603. That includes other churches besides those of the Wesleyans?—It includes, in the first place, the three Dissenting Deputies, including the Congregationalists, the Baptists, and the Presbyterians; I have mentioned all the names of the Methodist bodies, and at this moment I cannot remember any others of any consequence.

604. But is it not a fact that among the Baptists usually marriages are performed not by a minister, but by one of the congregation chosen to do it?—That is entirely new to me.

605. I will take a case, at all events, in which not a duly authorised minister is to perform the marriage; by so doing he would have to fill up a form; is it not probable that there is quite as much possibility of error in the case of such a person as in the case of the youngest curate in the Church of England?—It is possible if the person so deputed were not a man of experience and character. I can imagine a case in our own church where, under some circumstances, a minister might not be able to fulfil the duty, and he might select a layman; and I could select scores of laymen each one quite as able in every particular to fill it up as any minister, and probably more so, inasmuch as he would be a man of business, such a person as described by Mr. Ellis the other day.

606. And less liable to error than a clergyman of the Church of England?—Certainly less liable to error than the sort of clergymen who have performed the duty in a manner to furnish those returns that you have heard of.

607. You really think if this Bill were to pass there would be no increase in the amount of error in the registration of marriages?—I am not prepared to say that, and I will say that I think every possible precaution should be taken.

608. Do you think that if you abandon the words "duly authorised minister" every possible precaution will be taken; is not that a precaution in itself?—I think that when the departure was taken by the Wesleyan Methodist Committee of Privileges it was found necessary, in order to a combined effort with the various Nonconformist bodies, that instead of those words, "minister duly authorised," the word "person" should be taken; and I am sure I am accurately representing the attitude of the Committee of Privileges, which represents the Wesleyan Church, when I state that.

609. Do not you think that in order to obtain this combined action you threw over the greatest possible precaution against error that you could have had?—That may be a matter of opinion. Of course if the Wesleyan Methodists had thought of themselves only, and had gone for a

Mr. *Griffith-Boscawen*—continued.

Bill for themselves, they could have had such a Bill; Sir Richard Webster could have given it to them; but they deliberately said, "Anything which will merely meet us will not remove a great grievance against which we have been protesting for 30 years, and we in this matter take our stand side by side with all the Nonconformist churches." That is the attitude of the Conference.

610. But do not you still think that by doing that you threw over a precaution and a very great precaution against errors in registration?—Well, I should not be prepared to say that, with the wider interpretation that must necessarily be given to the word "person" instead of "a minister duly authorised," that does not admit of such a possibility.

Chairman.

611. Do you say "person duly authorised," or "person" alone?—I say, when you remove the words "minister duly authorised," and substitute the words "person officiating," which are, I think, the words of the Bill, it does admit of the possibility of the danger which has been indicated, and against which proper precautions will have to be taken.

Mr. *Griffith-Boscawen.*

612. How would the person be chosen?—I can only say that, so far as the Wesleyan Methodist Church is concerned, the person will be a minister duly ordained; and it is concerning the Wesleyan Methodist Church that I am here giving evidence.

613. That would always be the case in your church?—That would be the case with us, except in the very rare and special cases I have named, when a minister through illness or other circumstances might find it necessary to ask someone else to take his place.

614. It does not follow that that would be the case in other connexions?—I am not in a position to give evidence about other churches.

Mr. *Jordan.*

615. Do you find the present marriage system unsatisfactory to the Wesleyan Methodist, and to the Wesleyan people?—Decidedly.

616. In respect of cost?—In respect of cost for one thing.

617. Cost both as to the performance of the ceremony and as to the registration of buildings?—Certainly as to the registration of buildings. For instance, I preached in a new church at Warwick the other day, and they brought under my notice the question of registration. The new church takes the place of an old one, which will now be used for hall, mission, and other purposes; but in order to transfer the license from one to the other 3*l.* is the charge; and they complained about that. And also there is the difficulty as to registration. I might mention another case that came under my notice a few months ago. The letter was written to me not at all with regard to this Committee; the minister wished to know what could be done in respect of parties giving at Hollingbourne, five miles from Maidstone. They wished to be married in the Wesleyan Methodist chapel there; the chapel was not licensed, and could not be licensed, of course,

Mr. *Jordan*—continued.

in time for the marriage. They then proposed to be married in the principal chapel of the circuit town, Maidstone; but they were both living out of the district, and in order to be married in a Wesleyan chapel within the district in which Hollingbourne is placed they would have to go 16 or 17 miles to a place called Headcorn, clean away out of their circuit, in the Weald of Kent, and be married by a minister they did not know; or else their own minister must travel that 17 miles to perform the ceremony; otherwise the parties must come and live for some time five miles away near the principal chapel of the circuit, in order to qualify. That was felt to be a very great hardship. That is on registration difficulty. Then as to the cost, there is the cost of the register, about 2*s.*; then there is the registrar's fee, 5*s.* A woman places great importance upon what she calls her "marriage lines," and I have very seldom known the party leave without showing that they were wishful to have "the lines;" and these marriage lines cost 2*s.* 7*d.*; 2*s.* 6*d.* for a copy, and a penny for the stamp. So that it is rather an expensive business being married in a Nonconformist chapel.

618. So that members of the Wesleyan body, in order that marriages may be performed in their own places of worship, have to pay a premium, and the people to be married have also, in order to be married as Wesleyans, to pay a premium over and above the Established Church?—That is so.

619. Then, I think, you said that you found the present system unsatisfactory in reference to the exhibition of the names of the parties at the workhouse?—Yes, that was distinctly mentioned.

620. And you consider it unsatisfactory in the enforced attendance of the registrar at the time of marriage?—Yes.

621. And also you consider it unsatisfactory, inasmuch as it is a token of religious inequality?—Yes.

622. And it is unsatisfactory so far as Methodist feeling generally is concerned?—That is so.

623. Is it your opinion that public registrars should be excluded from Wesleyan chapels at marriages?—That is the whole purport of the expression of opinion: that the minister himself should, without the presence of the registrar, be able to perform the marriage.

624. Is it your view that all parties, both Nonconformists and Church people, should be placed on an equal footing in reference to marriage?—Yes.

625. Or in other words, that if the registrars are excluded from the churches they should also be excluded from Nonconformists chapels?—That is another way of putting the same thing.

626. Would you go so far as to say that if the registrars are continued in Nonconformists chapels for registration purposes, they should also for these purposes attend the marriage services in the churches?—Personally, I should say that that should be so; and my view on that has been strengthened since I came this morning by having the figures pointed out and emphasised as to the returns of the marriages performed in the Church.

627. Is not the fact of the uncertainty of the attendance

Mr. *Jordan*—continued.

attendance of registrars, irrespective of their conduct altogether, a strong reason for changing the present system of registration of marriage?—I think that is a very strong case. I tried in my evidence to point out that it was not a want of courtesy or any indisposition to meet our wishes, but that we must take the registrar's time and the parties must take it, and especially so on days when many marriages take place.

628. Do you consider it desirable and convenient that parties should be subjected to two legal ceremonies, namely, a civil marriage and a religious marriage?—I think that is most undesirable.

629. Do you as a Methodist minister consider it desirable, and do the Methodists consider it desirable, to maintain the marriage service as a religious service?—I do.

630. You do not object so much to registration by the registrar, as a civil or public officer?—The objection is not to his registration. I take it that the forms would be forwarded to him and that he would still have to register the marriage.

631. That is, apart from the minister registering it?—Yes.

632. Is it your opinion that it is essential to correct registration that the registrar should be present at Nonconformist marriages?—I do not think that is essential.

Sir *John Kennaway.*

633. Then what I gather is, that you would like to see a complete uniform national registration of all marriages?—Yes.

634. You said, in answer to Question 526, that that was the view of the Conference, I think, but do you adopt that yourself?—I adopt in the main the whole of the resolutions of the Conference; and my object is especially to represent the views of the Conference rather than my own.

635. It was at a Wesleyan Conference that this was passed: "An amendment of the law to secure perfect religious equality for all denominations"?—That is so.

636. I do not quite understand how you wish to bring that about now; you would send the registrar into churches of the Established Church; is that so?—That is not the proposal of the Wesleyan Methodist Church. The proposal is that the presence of the registrar should be dispensed with in Nonconformist places of worship.

637. But I am speaking of what you said today?—I was asked as to what my own ideal opinion would be as to the most desirable thing; but I particularly guarded myself in my answer.

638. And that would be to send the registrars into the churches?—Yes, to have one uniform registration.

639. But, as that is not likely to be carried out in a hurry, you would dispense with the registrar's attendance at the Nonconformist places?—Yes.

640. I take it that you bring no complaint against the registrars of carelessness?—I presented in my evidence many instances; but under any system errors will arise, and we do not rest our case on those, many and serious as they are. The registrars that I have met with have been men of character, against whom I had not the slightest feeling. They have behaved themselves properly, and have not been offensive. Of course there are varieties of registrars.

Sir *John Kennaway*—continued.

641. And of course nothing could be done to prevent an occasional snowstorm keeping the registrar away?—No; perhaps a snowstorm might keep the minister away too.

642. That has been put forward in that case. Now in regard to the case where there was that little misfortune that the marriage registration was all wrong, that might happen under any national system; an accident might happen in the best-regulated system?—That is possible, certainly.

643. It was so entirely an accident, I mean; that is no fault of the system?—Well, I should hardly call it an accident in that particular case. I should say that when a registrar sends an unduly qualified person to make the entry, that is something worse than an accident.

644. But it might happen under a system of complete religious equality, might it not?—Certainly.

645. And there is a grievance felt, I understand you, as to the inequality of position of the Nonconformist minister as compared with the clergyman of the Established Church in this matter?—That is so.

Mr. *Perks.*

646. There was one point I was to ask your view further upon. You said that the Wesleyan Conference or its Committee had abandoned some precautions which, otherwise, they would have desired, in deference to the views of other Nonconformist bodies. May I ask you what ground you would base that on, beyond the fact that the phrase "duly authorised person" appeared in that minute of 1883?—I think that that was what I meant; that they had changed the phraseology for it in order to meet the case of the Nonconformists; but did I not say that the Conference had not departed from the position of the great importance of having the thing duly guarded.

647. Exactly; but, as I understand it, the Bill of Mr. Henry Fowler was approved by the Wesleyan Church?—Certainly.

648. That simply authorised any person officiating?—The "person officiating."

649. And the object, I presume, of using that phrase was to avoid a definition of a minister of religion; or one of the objects?—That was so.

650. Now, I put it to you before, I think, that there are a very large number of lay preachers in the Wesleyan body?—Yes.

651. Some 16,000 or 17,000, I suppose?—Some 16,500.

652. And under certain circumstances those might be the persons officiating under existing regulations?—Under existing regulations, certainly.

653. And I suppose, in your experience, though there may be few cases, lay preachers have conducted marriages in the Wesleyan Church?—As a matter of experience I am not aware of any case.

654. But I think you said in your examination-in-chief that there is no regulation of the Wesleyan body directed against that?—If the parties

Mr. *Perks*—continued.

parties gather in a Wesleyan Church, and the words are used in the presence of the registrar, it does not matter, legally, I take it, who conducts the service.

655. I think you have not quite apprehended my question. There is no regulation of the Wesleyan Church which is directed against marriage being conducted by a lay preacher?—None whatever.

656. Therefore if, consequent upon this Bill, a regulation were passed by the Conference that only what you term "duly authorised persons," meaning by that phrase ordained ministers, were qualified, it would be a new departure in the Wesleyan Church?—It would.

657. The trustees of each chapel have power to make regulations, I suppose, for everything which takes place inside their church, including marriage?—Yes.

658. Subject, of course, to the regulations of the Conference?—Yes, subject to the Conference.

659. Therefore that is an additional precaution for the proper conduct of marriages?—That is an additional precaution; and the person who is designated a superintendent (and there is not a chapel out of the 7,000 or 8,000 that is not within the area of some circuit, and over which some superintendent has not a charge) is responsible for all religious services conducted.

660. The Bill of Sir Richard Webster, to which you called our attention, imposed a charge of 10*s.* a head for registering every minister?—Yes.

661. And he had to attach himself to a specific chapel?—That was so; to a chapel or chapels.

662. So that if a minister had, say, 20 chapels in his district, he would have to be registered at 10*s.* a head for each of those chapels?—Yes.

663. And when he moved to a new town he would have again to be registered?—He would have again to be registered, not at a cost of 10*s.*, but at a cost of a shilling, if I remember; still he would have to be again registered.

664. Did that lead to this resolution being passed by the Wesleyan Parliamentary Committee: "The charges to be imposed upon the registration of Nonconformist ministers who may desire to conduct marriages under the Act are such as to impose a serious financial burden upon ministers or trustees of such bodies, and are peculiarly onerous in the case of Wesleyan or other Methodist churches where the itinerant system prevails"?—Yes.

665. Was that one of the reasons why the condition in Sir Richard Webster's schedule, that the minister should be named in the certificate, was omitted by the Wesleyan Committee?—Yes, that, I believe, was the case. Sir Richard Webster's Bill met with so little favour that the Committee of Privileges distinctly and by resolution approved of the Bill that Mr. Fowler had previously brought in.

666. You were asked whether the Roman Church in other countries have submitted to a civil marriage; do you know of any case where they have submitted, excepting by *force majeure;* where they have suggested it?—I am not aware of any.

Mr. *Carvell Williams.*

667. You have acquainted the Committee with a series of resolutions passed by your body during a number of years; have those resolutions been unanimous; do they substantially represent the feelings of the entire body, or is there an appreciable difference of opinion?—Not unanimous. The resolutions that have been adopted year by year, when it is matter of merely formal resolution, bringing it up year by year, would pass at once without any discussion; but when the matter has ever been brought before us and seriously discussed in a large body of ministers, consisting of 1,700, and with probably 400 or 500 present, or in the other session, where there are laymen, there has always been a difference of opinion; but the majority in favour of the resolution is very large.

668. I think I understood that your body has no desire whatever to interfere with the existing system of registration in so far as the registrar's book is concerned?—That is so.

669. Therefore, though you have referred to the registers which are kept in Wesleyan vestries, you do not wish that they should be relied upon as legal evidence?—They would be simply collateral evidence. Any such register would not now be accepted as legal evidence of the marriage.

670. It has been suggested to the Committee that, the Nonconformists being good-natured in allowing the use of chapels to strangers, it would be easy to obtain the use of chapels under this Bill for bogus marriages; is it your belief that that would be practicable or at all likely in the case of chapels of your body?—I think not. I think the responsibility of the trustees and the responsibility of the minister in charge would be a sufficient guarantee as to that.

Mr. *Picton.*

671. Will you point out what obstacles would exist in the way of having such bogus marriages in Wesleyan chapels?—In the first place, if they were Wesleyans, our own minister would perform the marriage; but if it were to be a bogus marriage, suppose they were to bring in some outside persons not Wesleyans, the first thing would be to obtain the necessary consents, and they would have to obtain the consent of the minister who has charge of the chapel, and possibly of the trustees. The Wesleyan chapels are not common property.

Mr. *Carvell Williams.*

672. And before that consent was obtained, the authorities would naturally make full inquiry to ascertain who the applicants were, and what was their character?—I have no doubt they would take all reasonable precautions.

673. In cases where the ceremony would be performed not by a minister but by a lay preacher, do you think it likely that the regulations of your church would allow, except in very rare cases, an incompetent person to officiate?—I think that the usage of the Wesleyan Methodist Church would continue as it is, and that the minister would perform the ceremony; and that if a minister did not, certainly care would be taken that an incompetent person did not.

674. The minister would consider himself to a certain

Mr. *Carvell Williams*—continued.

certain extent responsible?—Yes, he would be responsible for it.

675. We may take it generally. I assume that whenever there was a Methodist place of worship registered for marriages all proper precautions would be taken to ensure compliance with the law under that Bill?—I believe there would.

676. The Committee have been told that the Registrar General's office has in two years and a half received only 16 complaints against registrars on various grounds; in your opinion does that at all represent the extent of the dissatisfaction which prevails in regard to the conduct of registrars?—Well, I do not know what would be the nature of the complaints that would reach the Registrar General. I should take it that unless it was something very serious it would not be forwarded to him, and that the number would be much larger if you were to make it a ground of complaint every time a registrar fails to be punctual or perhaps conducts himself in a way that the friends would not approve. Some of the registrars have insisted on standing within the communion rails and putting themselves forward in a way that has been offensive. I should say that there have been very many cases that have not been reported to the Registrar General.

677. Have your Committee of Privileges ever made representations to the Registrar General in regard to any of these complaints?—I am not aware.

678. So that the cases brought before you have not been brought within the knowledge of the Registrar General?—In some instances they stated that they had brought cases under the notice of the Registrar General with not much good result. That was stated in the evidence which I submitted the other day.

679. Do you mean by that that the Registrar General has refused to interfere?—No, I should not take that to be the case; but I should take it that the Registrar General would send the communication to the registrar in question, and receive explanations; and that these parties would think that unless the registrar were publicly reproved or removed from his office, nothing had been done. That would perhaps be their conclusion; but I am not prepared to state more.

680. Are there many chapels belonging to your body which are not registered for marriages?—Yes, a great many.

681. Is there any principle which governs the body in regard to which places of worship shall be registered for marriage, and which shall not?—All our principal chapels are registered, and frequently in the case of a chapel in a locality that might be convenient for certain outlying places, such a chapel would be registered for marriages; but the cost and the necessary provisions for the registration of the chapel have prevented the registration in many places.

682. Then if the cost were diminished or ceased a greater number of Wesleyan chapels would be registered for marriage?—I have no doubt of that.

683. And in the case of new chapels being substituted for old ones, is it not considered a grievance that precisely the same process should have to be gone through, and the same amount paid, namely 3*l.*, in order that the new building should be registered, and take the place of the old one?—It is so; that is regarded as a grievance.

Mr. *Carvell Williams*—continued.

Mr. *Oldroyd.*

684. In giving your evidence, you spoke of some objection on the ground of expense in licensing the persons for certain places of worship or certain chapels?—Yes.

685. Seeing the law requires all places to be registered where marriage ceremonies can legally take place, would it not be possible in connection with that present registration of the place to attach the names of certain individuals as capable of officiating as registrars in connection with the specified place?—That so far as the Wesleyan Methodist Church is concerned would be most inconvenient.

686. On what ground?—On the ground that ours is an itinerant ministry.

687. I wanted to get over the itinerancy by making the law so elastic that other persons besides the minister might be registered or act as registrars for the purpose of filling up the form, chapel stewards or circuit stewards, or some such officials I think you have?—That might be possible, but I am not prepared to say that that arrangement would commend itself to my judgment.

688. But would it not be one method of getting over the difficulty as to the recognised minister being solely the person authorised to register the marriage?—Well, I think that the person who performs the ceremony should so far register the marriage, that he should be responsible for seeing the forms duly filled up to be forwarded to the registrar. That is a proposal which I think commends itself to our Committee, and commends itself to my judgment.

689. You spoke of the position of inferiority in which you, as Nonconformist ministers, and your body are placed in relation to the clergymen of the Church of England, and you were asked whether that was a spiritual or a civil inferiority. I forget what your answer was?—I should say that it was spiritual, relating to the status as a minister.

690. Then, do you object to it on account of its effect upon your position as a minister only?—The feeling in the Wesleyan Methodist Church is that it is a mark of inferiority.

691. That it puts a stigma on the minister?—It puts a stigma on the minister. I have had people say to me: "I shall not be married in a Methodist chapel; you have to bring another man, the registrar; he is really the man who marries me and not you, whatever you may say; and I will go to the Church of England where I can be married by a clergyman without the registrar."

692. And the ministers of your body object to that?—They do.

693. But is it not the fact that the people object more than the minister?—The people object too.

694. In the ideas of many of your body, all their ideas of marriage and the sacred associations attaching to the minister of religion, centre in you just as much as in the case of members of the Church of England they centre in the clergymen of that Church?—That is the opinion that prevails.

Mr. *Oldroyd*—continued.

695. And that feeling is violated in their own minds by the fact that this stigma, is imposed upon you?—Yes.

696. With regard to irregularities which have been referred to in the return to which your attention has been called, I suppose you do not consider that they arise from the clergymen of the Church of England being better educated than ministers of your body?—Education ought not to disqualify a man from filling up a form.

697. But is it the fact that the state of education in your body is such that all your ministers would not be able to fill up these registers with due care and precision?—I do not think that we should be prepared to admit that.

698. You do not make a claim for the removal of the registrar from the official part of the ceremony in your chapels, on the ground of any superiority of your own ministers?—No, it is on the ground of religious equality.

Sir *Francis Powell.*

699. I find in the Report of the Royal Commission of 1868, on the Marriage Laws, a recommendation "that such publication" (by banns) "should not henceforth in any case be required by law as a condition either of the lawfulness or of the regularity of the marriage"?—Yes.

700. I thought I heard you say on the last occasion, when you gave evidence, that you wished banns to be published at your places of worship?—That was in a communication that I read from one of the Synods.

701. It came from a Synod, not from your Conference?—No, from a Synod.

702. Might I ask whether you have any opinion on that subject, or would you rather express no opinion?—I am not prepared to say whether that would work in all particulars. In the Scotch Church I published the banns a short time ago for the Episcopalian clergyman's daughter who was going to be married to a clergyman. I thought it was rather a turning of the tables that a Methodist minister should be publishing the banns for a clergyman's marriage.

703. Was that in the Established Church of Scotland?—I was officiating for a clergyman of the Established Church of Scotland. This is the resolution which has been adopted by one of our Scotch Synods (it really comes from far north; it comes from Shetland; but Shetland is a Scotch county): "That as the ministers of all denominations in Scotland perform the right of marriage without the presence of the registrar, we are of opinion that the same freedom should be extended by law to our Nonconformist brethren in England."

704. The point I was thinking of, and was leading up to, was the question of publication. I think we may take it as quite clear that there must be some publication. I see the Code Napoleon provides that "before the celebration of a marriage the civil officer shall make two distinct publications of it, and shall announce by placards fixed and retained on the door of the town hall the Christian names, surnames, professions, and domiciles of the parties." That is in the report of the Royal Commission on

Sir *Francis Powell*—continued.

Marriage Laws at page 202. Have you any view as to the best mode of securing effective publication in England?—No. I think the present plan has answered very well; and whilst in many of our principal chapels if the banns were to be published it would be done just as effectually, and carried out completely as elsewhere, yet I do not think there is any general feeling, I never heard an expression of opinion in any Synod or conference, in favour of the publication of banns in Wesleyan churches.

705. You made some reference to a certain incongruity in the publication of the names in a workhouse; I believe in entering our own churches there is some incongruity in the notices you see on the church-doors, for instance in regard to political registers; is not that one of those instances which we must bear with sometimes in a civilised community like ours?—I think anyone would feel that it was not a very nice thing that in order to be married in a Nonconformist chapel his name must be put up in the workhouse. He resents it and I quite respect his feeling in resenting it.

706. I entirely sympathise with that feeling, and should be glad if I had the power to do something to relieve the mischief; but I am asking you what the alternative would be?—The alternative would be to separate registration as far as possible from the Poor Law guardians.

707. But it is possible that some future legislation, possibly near legislation, may separate the general civil administration from the Poor Law administration, and so remove that mischief?—It would be very desirable to have it removed, and that would take away one ground of complaint.

708. Then there is something proposed in the nature of a "village council," to use the phrase now in vogue; and if the village council had its own place of meeting the publication might be on the doors of that place?—Yes, or the doors of the church where it was proposed to celebrate the marriage.

709. Is it not desirable to have one central place, so that persons who wish to ascertain what is going on, may find it out at once without going to more than one place within the same area?—It might be desirable; but it has not occurred to me to think of it in that way. But if the parties live in separate places, under the present arrangement there have to be two publications.

710. You spoke of the cost of registering a building; I suppose you fully concur with these three propositions: There must be an effective publication; there must be real publicity of the marriage; and care must be taken that the person who does perform the ceremony is in every sense, whatever the ceremony may be, "a duly authorised person"?—Certainly.

711. He must be a recognised person so as to secure that his authority is known?—I should reply to that, Yes, without attempting to define "a duly recognised person."

712. You would no doubt concur with me that apart from the religious sentiment, which is so just and right, we have to guard in the case of marriage the civil consequences in many respects before the law?—Yes. The Wesleyan Conference

Sir *Francis Powell*—continued.

ference has repeatedly expressed its opinion as to the importance of that; there can be no two opinions upon it.

713. You have made some complaint, for which I think there was much reason, as to the renewal of the charge of 3*l.* when you substituted one building for another; might that not be easily remedied by making it a nominal charge of a few shillings, making it rather a transfer than anything else?—I think it very desirable that that should be remedied.

714. And could not a similar system be applied to the minister if he changed his circuit, that he should pay a mere nominal fee for a new authorisation instead of the full fee?—Of course the machinery might be simplified; but so far as I understand the feeling of the Methodist Church (and it has been widely expressed), it is decidedly against all such registration.

715. I said something a moment since about being "duly authorised," and you responded to my suggestion that there ought to be a due authority. Seeing that marriages take place in certain areas, the authority for the time being ought to relate to the particular area, and therefore if a gentleman changed from one area to another, there should be some new authorisation, the fee being kept as low as possible in each case; do you accept that proposition?—I am not quite sure of the position you take. If I understand the question, it is that the minister would have in some sense to be registered in order to fulfil the duties.

716. The term I meant to use was authorised; that a gentleman might be authorised to perform a marriage in Liverpool, say, and when he came to Manchester he might require a new authorisation, the fee being as small as possible, but enough to get a proper entry?—The strong feeling of the Wesleyan Methodist Church is that the fact of his being a minister is in itself a sufficient authorisation to fulfil a duty in any Wesleyan Church anywhere.

717. That would leave the place where he is permitted to celebrate the marriage entirely in the hands of the ecclesiastical authority?—Yes.

718. You mentioned complaints made to the Registrar General without being attended, so far as is known, with any good result; is it quite certain that there was not a private admonition sent?—I think it very probable that there was a private admonition sent.

719. I ask that question because in several cases that have come before me in these Committee rooms, I have found that action had been taken, though it was not known to the public?—I have no doubt that the Registrar General would take notice of every communication sent, and would inquire into every complaint.

720. Have you found that a man who has behaved himself in an improper manner has amended his ways, suggesting that probably he had had some hint from the authorities?—Personally I have never known the case of a registrar who has behaved in an improper way; I have known them late, and I have known one who entirely forgot the marriage altogether.

Mr. *Powell-Williams.*

721. Taking you back to the resolutions of the Conference of 1883, the suggestion at that time was, as you have told us, that there should be duplicate forms of the certificate, and that one of those certificates should be signed by the minister officiating to return to the registrar?—Yes.

722. Now what did the Conference mean by the word "minister"?—The Conference meant a minister of the Wesleyan Methodist Church.

723. Then I understand that, subsequently to that time, the Wesleyan body went beyond the minister to any person officiating, throwing in their lot therefore with the other denominations?—Yes.

724. Throwing in their lot with the other denominations would amount to anybody officiating, would it not?—Well I should hardly be prepared to say yes in an unqualified way to that. I trust that care would be taken that no improper person should officiate.

725. Are you not aware that, as a matter of fact, amongst the Congregationalists and Baptists, anybody may officiate in relation to the religious part of the marriage ceremony?—I was not aware of that. My experience would go to show that the Congregational ministers and the Baptist ministers do conduct the service of the marriage ceremony.

726. Should you be surprised to know that an alderman and a magistrate of the city of Birmingham, being a Congregationalist, married a brother alderman's son the other day?—I have not heard of such a case; but that would be quite according to the law as it now exists.

727. Should you be surprised to know that there are a number of cases of daily occurrence in which a person occupying the position, for instance, of the village blacksmith, marries people, performs the religious part of the marriage ceremony for the Congregationalist and Baptist bodies?—I was not aware of that. I have not heard of the village blacksmith performing marriages since the Gretna Green gentleman of famous note.

928. Then it comes to this: that, according to your evidence, the Conference altered its policy in relation to the marriages of Nonconformists without knowing what that alteration might lead to in respect to other denominations?—The Conference of 1887 certainly did depart so far from the resolutions of the previous Conference which had given directions for a Bill on the basis of the resolutions of 1883; that as I said before, it cast in its lot with the whole Nonconformist body; but the Conference never intended that marriages should be performed without proper precautions.

729. Excuse me interrupting you there; that is the whole point; what do you mean by "proper precautions"?—The Committee representing the Wesleyan Methodist Conference has considered that the precautions introduced into Mr. Fowler's Bill of 1888, and into Mr. Perk's Bill, are reasonably sufficient.

730. If I put it to you that as a matter of fact in the Congregationalist and Baptist bodies, persons, I will say illiterate persons, occupying such positions for instance as the village blacksmith, are accustomed to perform the religious

Mr. *Powell Williams*—continued.

side of the marriage ceremony, do you consider that to be a proper precaution?—Well, I know very little about the Nonconformists as to such matters, and I should say that that is not very likely to happen; I am surprised to hear it so stated.

731. I do not want to question you on the fact; you may treat the statement if you will as being an imaginary case unconnected with facts; should you consider that such a state of things would be within the meaning of the Wesleyan Conference in respect of the term "proper precautions"?—I should say that there are blacksmiths and shoemakers in villages of sufficient education and character, in every way able to properly fill up the form accurately and sufficiently; but with regard to the contemplation of the Conference being that such persons would be likely to be employed in performing the ceremony, I am sure that that was not within their purview at the time.

732. Then if it came before the Conference that such was likely to be the result of their change of policy, they might change back again, might they not, to their original intention, which was that nobody but a properly authorised and ordained minister should perform the religious part of the marriage service?—I do not think they would revert to that position, but I think they would endeavour to secure the introduction into the Bill of such clauses as would be a sufficient protection.

733. May I take your own opinion upon that; is it your opinion that none but an authorised and ordained minister should perform the religious part of the marriage ceremony?—No, I should not say that; but if I am to speak as not representing the Committee nor the Conference, I should say that the name and address of the person performing the ceremony ought to be, for instance, inserted. That would be one precaution and an important point.

734. Inserted in the certificate do you mean?—In the certificate. Is that answer sufficient?

735. It is sufficient if you think it so?—Well, I do not wish to add to it.

736. That I may take as your opinion apart from the Conference?—Yes.

737. Should you consider that a person, for instance, who could not sign his name, ought to be entrusted with the office of performing the religious part of the marriage ceremony, and with the duty of filling up the certificate?—Certainly not.

738. I do not know whether your attention was called to the statement of the gentleman we had here from the department of the Registrar General to the effect that the business of sending certificates backwards and forwards would give rise to considerable uncertainty?—My attention has not been directed to that; but in Scotland, where our ministers perform the marriage, the certificate has to be sent, only in that case the certificate has to be sent by the parties, and the proposal here is that the certificate should be sent by the person officiating, which I think is an additional safeguard.

739. Now then I wanted to ask you this; has it been considered whether it would not be practicable and better that the parties attending at the registrar's office should there and then sign a form in the presence of the registrar stating that they do take one another as man and wife, and that that should be perfectly free to them; then that this form or a copy of it should be forwarded to the minister subsequently officiating at the religious part of the marriage ceremony, and that in that way the attendance of the registrar should be dispensed with?—I think that would be inconvenient and objectionable in many ways. In the first place it would be inconvenient in requiring the parties to go in the first instance to the registrar's office, and then to go to the church, as much as to say, "Well you are married at the registrar's office, and then you go for a religious ceremony to the church." I have known cases where the feeling has been so intense that the parties would not allow the registrar to come and be present at their marriage, and they have gone (and there is nothing to prevent it), and done just what you have suggested; they have gone through the civil form in the office, and then they have gone and been married with a religious service in the church. That would not meet the case.

740. I know a case in which that was done, that is why I put the question?—There are such cases.

Chairman.

741. Have you any more recent instances that you desire to give with regard to any part of your testimony. You gave us some very valuable instances last time; I am not quite sure whether you finished them or not?—I did not give the whole; I understood that it was not necessary to go through the whole of them. There are some others, but they are of the same sort.

742. I do not mean instances of the snowstorm character?—No.

743. You have others?—Yes, and if necessary, I could bring very many more.

744. I see you have got something in your hand; are those what you were proposing to read to us?—No, this is the paper from which I read several cases the other day.

745. Because if you had the cases here in something like an easy form for reference, it might be as well for you to leave them with the shorthand writer. Now one step further. You were asked with regard to the registers, and the power of your people to keep them. Until the alterations that took place with regard to burials some time ago, were most of your chapels, or at all events, a very large number of them, supplied with burial grounds?—A very large number were.

746. In those cases did your people keep a register of the burials at the chapels?—There was a register, but I am not prepared to give evidence as to that; I hardly remember distinctly enough.

747. Do you keep registers of baptisms?—Yes.

748. You have nothing to do with deaths, I presume?—No.

749. Are your registers of baptisms, so far as your knowledge goes, adequately kept?—Yes.

750. Now the registration by the registrar is, I presume,

Chairman—continued.

I presume, proof that the marriage took place?—Yes.

751. And is that according to your view at present the only legal proof?—That is the only legal proof. The form that is filled up in the vestry very few registrars will sign.

752. Now get rid for a moment out of your mind of the notion of proof; apart from its being proof, is the presence of the registrar, and the registration by the registrar, also an indispensable part of the contract, religious or civil, whatever it may be?—It is so indispensable that without it there is no marriage.

753. Assuming, for a moment, that you can sever between making the presence of the registrar part of the contract, which is one thing, and making it part of the registration or record of the contract, which is another thing, would there be any objection, do you think, on the part of your church to the continued attendance of the registrar as a recording officer, instead of being the officer in point of fact by whom the contract is made?—There would be a difference of opinion; personally I should be very glad to have a registrar there to record it, and there are

Chairman—continued.

many of our ministers who would take the same view; but I am sure if it were necessary for him to come and be there and make the entry after the marriage had taken place, the feeling would be that he was the person who had done it, and it would not remove the grievance.

Mr. *Carvell Williams.*

754. When you spoke of "any body" officiating, I presume you meant anybody who had received the requisite permission from the authorities connected with the place of worship?—Yes, I mean proper and suitable persons officiating.

755. You do not mean anybody in the literal and widest sense?—I hesitate for a moment because the Conference (and I am here representing the Methodist Church) has never defined who should do this. There is no statement anywhere to say that a person must have certain qualifications in order to perform this ceremony.

756. Can you imagine any person officiating at a marriage in a Nonconformist place of worship who is unable to sign his name?—I cannot imagine such a case.

Mr. JOHN BAMFORD SLACK, called in; and Examined.

Chairman.

757. A GREAT deal of what you will be able to tell us, we have got already from Dr. Waller, but I can take you shortly. You are, I believe, a solicitor practising now in London?—I am a solicitor practising at 31, Queen Victoria-street.

758. And formerly practising at Ilkeston, in Derbyshire?—Yes.

759. Are you a Wesleyan Methodist?—I am a Wesleyan Methodist.

760. And I think you are the secretary of the Wesleyan Council?—No, I am no officer of that body; but I have been deputed by the London Wesleyan Methodist Council to give evidence before this Committee.

761. Will you state what is the London Wesleyan Methodist Council as distinguished from the Committee of Privileges, and so forth?—The London Wesleyan Methodist Council is composed of 324 ministers and laymen; ministers and laymen in equal numbers, who are elected by all the circuits in the metropolitan area of Wesleyan Methodism; it is the most representative Methodist body in London.

762. Now in the first instance is this question of marriage one to which you both as a Wesleyan and as a solicitor have given your attention?—It is.

763. For several years past?—It is. I should like to say that I practised as a solicitor in Derbyshire for nearly 10 years, and I had there a wide experience of country life, and that in my opinion the existing law operates very hardly, especially upon the labouring classes in the rural districts; and in very many instances people in that position are married at church, when if they followed their convictions they would very much rather be married at their own place of worship; and this partly on economical grounds, because in most cases the registrar lives at some distance.

764. I think we have had all that; I do not think you need tell us more as to that, because we have had all that from previous witnesses; but if you have got any illustrations which you desire to give us, you can do so?—I have some.

Chairman—continued.

Sir *John Kennaway.*

765. Did you say on economical grounds?—On economical grounds. I mean to say that the labourer cannot afford to spend a day in going to the registrar.

766. It is not a question of a higher fee?—Not in most cases.

Chairman.

767. The difficulty being in consequence of the distance he has to go to give his notice of marriage, independently of losing his day on the day that he is married?—Yes; it costs him two days practically. I think that is a very important element.

768. And do I rightly understand you to say that you of your own knowledge know of these things taking place in the country?—Yes; this matter has been a matter of common conversation in the religious circles in which I move for years, and I have met with it professionally again and again.

769. Now, will you give us your illustrations?—At the Wesleyan Church, Stirling-road, Edgbaston, a marriage was arranged to take place at 9 a.m., on Sunday, 7th December 1890. At the appointed time the wedding party, together with the officiating minister were in attendance, but there was no registrar. It was ascertained on inquiry that due notice had been given several days previously. The party waited for one and a-half hours, and then dispersed, one of the number going to seek the registrar whose residence was some miles distant. Between one and two in the afternoon, more than four hours after the

Chairman—continued.

appointed time, the registrar arrived. Messengers were hurriedly sent in all directions in search of the wedding party, and by-and-bye the ceremony was allowed to proceed. This was commented on in the "Methodist Times."

770. On what ground?—On the ground that such cases as this demanded a speedy change in the law regulating, or rather hampering, marriages in Nonconformist churches.

Sir *Francis Powell.*

771. What is the date of that case?—1890.

Chairman.

772. Why did not the registrar turn up?—I do not know the reason.

773. Was there any excuse made; was it a snowstorm that time?—I do not think that is very likely to have been the reason.

Mr. *Carvell Williams.*

774. What time of the year was it?—The 7th of December.

Chairman.

775. With regard to this particular case, do you happen to know one way or the other, whether any complaint was made to the Registrar General with regard to it?—Not that I am aware of.

776. Or to the Superintendent Registrar, or any one in authority?—Not that I am aware of. Then there was another case. A marriage was arranged to take place at the Primitive Methodist Chapel, at Chalfont, St. Giles, on Christmas Day, 1891. The wedding party assembled, and they waited an hour for the registrar. I obtain my information from a letter written by the Reverend W. H. Summers, who is the Congregational minister at Beaconsfield, and he says, "How much longer are we rural Nonconformists to be hampered by this wretched disability?—People are afraid to be married at Chapel for fear of a contretemps like the above."

777. I do not think we care for the comments. What was the reason of the delay of the registrar in coming?—He alleged that he was prevented from coming by the state of the roads, and in another case he said he had been delayed by the unpunctuality of a wedding party at Chesham in the morning.

778. You told us to begin with, that cases of this kind have come under your own notice?—Yes.

779. Are these cases you have given us cases that have come under your own notice?—That last case I only know through this letter.

780. It would have more weight with the Committee if you were to give us those you knew yourself?—I had a letter the other day, quite

Sir *Francis Powell.*

recently, from a man in Cornwall. I think he wrote to me because I brought the matter up in the London Wesleyan Council.

781. You know nothing about it yourself?—Except that I have corresponded with him. This man wrote to me on the 11th of April 1893. He says: "On the 5th of April I called at the registry office at Truro where my banns were duly published for marriage and made arrangements with the clerk for my wedding to take place the following day at 2 o'clock at St. Mary's Wesleyan Church, Truro. The day arrived, when about half-an-hour before the appointed time to start for the city, who should make his appearance but the clerk with whom I had made the arrangements, stating that we could not get married that day as the registrar had received a telegram about 11 a.m. to come to Falmouth at once on some important business. Consequently our wedding had to be postponed till the following day." He goes on to say that he was put to very considerable inconvenience; and he had travelled 30 miles.

Chairman.

782. Now why is it that the registrar did not come?—Because he had received a telegram calling him to important business at Falmouth.

Mr. *Picton.*

783. Was it private or public?—The writer of the letter does not say whether it was private or public.

784. Was it reported to the Registrar General?—I am not aware. I advised the man to report it.

Chairman.

785. I do not know whether you have stated distinctly (I should like to have it stated if it is so), in attending here are you coming to give us simply your own views as the result of your own experience, or have you been deputed to come with any expression of opinion from the Methodist Council?—The Methodist Council passed a resolution two months ago, which I proposed, strongly supporting the proposal now before Parliament in Mr. Perks's Bill; and I proposed a similar resolution at the Second London District Synod three weeks ago, and it was carried with unanimity in a full gathering. The feeling in my own church is very strong indeed.

786. You do not quite answer my question; my question was whether, in addition to all that, you have been deputed to come here with any expression of opinion?—I have, by a unanimous resolution passed last Monday evening by the London Wesleyan Methodist Council, which is representative of all the circuits in the Metropolitan area.

Tuesday, 13th June 1893.

MEMBERS PRESENT:

Mr. Griffith-Boscawen.
Mr. Jordan.
Mr. Oldroyd.
Mr. Perks.
Mr. Picton.
Sir Francis Powell.
Mr. Carvell Williams.
Mr. Powell-Williams.
Mr. Waddy.

MR. WADDY, IN THE CHAIR.

The Rev. MATTHIAS THACKERAY MYERS, called in; and Examined.

Chairman.

787. YOU belong, I believe, to what is generally called the United Methodist Free Church?—Yes.

788. And you either are or have been President?—Twice.

789. And how long have you been engaged as a minister in that Denomination?—Four-and-thirty years.

790. And during that time have you travelled, as I believe the technical term is, both in London and in the country?—I have travelled in Birmingham, Liverpool, Manchester, Leeds, Newcastle and London.

791. Newcastle-upon-Tyne you mean?—Newcastle-upon-Tyne, at least in the neighbourhood, and now in Rochdale.

792. Now, with regard to those places which you have mentioned, they are all of them centres of population, considerable towns; but is it the fact that in connection with them you have had circuits which have included country districts affiliated, so to speak, to the town centres?—Yes.

793. And as the result of that have you become acquainted with the difficulties, and with the feelings of your people, especially of the poorer classes, with reference to the question of marriages in Nonconformist chapels?—I have. I have a very extensive experience in regard to that.

794. Is there, or is there not, in your opinion, anything to complain of?—Yes, there is a great deal to complain of. Constantly they complain about it.

795. Will you give us, in your opinion, any just cause of complaint?—Well, the fact is that we are not equal. We go in for, our Denomination goes in entirely for, perfect equality in this matter.

796. Equality with whom?—With everybody and anybody in religious matters.

797. And when that is brought to a point it means, of course, with the Church of England?—Yes.

798. That is what I wanted to know. And, put shortly, the first thing that you complain of is that the present system of performing the ceremony of marriage, or entering into the contract of marriage, is one which appears to put you, as ministers, in some degree in an unequal position with the position of the ministers of the Church of England; is that your first point?—Very much so. I will give you an illustration of it.

Chairman—continued.

799. First of all that is the point?—That is the point.

800. Now for your illustration?—I had a marriage in Bow, East London. I have travelled 12 years in Poplar. We had a young minister who had travelled there, and he came up to marry a young lady in connection with the church.

Sir *Francis Powell.*

801. With your church you mean?—Yes, I mean the Christian people in connection with that place of worship; that is what I call a Church. This young lady had been brought up from a child in connection with that church and congregation, and it was a very fashionable marriage with us, and I should think we had 500 persons in the chapel at half-past 10 o'clock. The professor, our theological tutor, had come down from Manchester to marry them.

Chairman.

802. The tutor you mean to your theological college?—Yes. This young man had been in the college some years, and he asked the professor to come down to marry him. There we sat and walked about for an hour and five minutes. The bride sat there in front of the communion table. The professor and I did not know what to do, or where to look, or how to answer the question what was to be done. There was a fashionable marriage here the other day. If there had been a case like that here there would have been talk all over London about it.

803. I want to get the facts, please. Your complaint is that the registrar did not turn up in time; did he come at all?—He came in an hour and five minutes; he had been detained at a Catholic chapel; it was incidental, I admit.

804. And you do not attribute, as I understand, any blame to him personally?—No, I do not

Chairman—continued.

not. The man was a very kind man and had done his best, but his best would not do in that case.

805. You give that as one illustration of your being in an inferior position; because if your capacity had been the same as that of a clergyman you would have gone straight on without waiting for anyone?—Yes.

806. Have you any other illustration that you desire to give?—Yes. We have had one in Southport some months ago. A very fashionable marriage that was also; and our minister, Mr. Hocking, was there to marry, and the registrar did not turn up, and they waited till three o'clock, and then they had to go home, and the congregation had to go back to business asking what was to be done.

Mr. *Oldroyd.*

807. When was this, do you say?—In March 1893, I think, or a little before. I don't know exactly.

Chairman.

808. In that instance did you ascertain what was the cause of his absence?—We have never been able to ascertain since. He did not turn up at all; we do not know the reason to-day; I do not, and I have asked many a time.

809. I suppose he came to be present at the marriage when it was performed?—Yes, next day.

810. He never came that day, and the people all went home; but he came the next day?—Yes.

811. Were you there?—No.

812. Was any attempt made to ascertain from him, as far as you know, why he did not turn up the day before?—Yes, attempts were made, and they could not get to know.

813. What was his answer, do you know?—There was not any answer. There was a very strong suspicion that all things were not square.

814. Can you go one step further, and tell us the name of that man?—No, I do not know his name.

815. Can you tell us for what division of your district he was registrar, so that we can lay hold of him?—Our church is in Duke-street, Southport; a large church; very.

816. There cannot be any difficulty in ascertaining the name?—There cannot be any difficulty in ascertaining that.

817. Would you have the kindness to communicate with the man or the lady who was married, and let our Clerk have a letter informing us of the name?—I will.

818. Was there any complaint of that, as far as you know, made to the Registrar General?—So far as I know, there was not. I did not make any complaint in that Bow case; and for reasons which I can explain.

819. I was going, to ask you to do so. In these various cases that we hear (you have given us two striking ones) in many instances there has been no complaint; how is that?—Well, I do not want to refer to names, and if I can avoid it I will not do so, but I lived 12 years in Poplar, and I had to do with two registrars. One of them I had to do very much with; a man with a large family. I was not prepared to do him any harm, even if I suffered an inconvenience like that. I should have been branded throughout the whole neighbourhood as having done Mr. P. some harm. I have no doubt but that it, as I should term it, would have ended his connection with that business, and I was not prepared to do that. Now, there was another thing I will just explain, which was to my mind a source of very great anxiety. Mr. ————, the registrar of Poplar, is a strong Churchman. He is registrar to-day; I had to do with him for 12 years at many a score of marriages. He was a very strong Churchman and he was a strong Conservative; he never came into our chapel vestry at a marriage, but he made some disparaging remarks about Dissenters and about these marriages. Now that was a painful thing to my mind. He had a bitterness against dissent which I can scarcely express; and mind you he had a perfect right to his views and feelings, but I submit it was a very strong temptation for me often. He would come into the chapel while I was reading the Service—conducting the Service—just listen while I read over the legal part, and then he has gone out and slammed the door and disturbed the whole congregation. He did not believe in my having the right to be there to marry those persons or those persons having the right to be there to be married by me; he did not believe in the existence of that building—as fine a structure as we have in London.

820. That is, perhaps, beyond our inquiry?—That to me, as a minister, was a very painful thing.

Sir *Francis Powell.*

821. Your building is a physical fact, I should have thought, the existence of which could not be disputed?—Yes.

Chairman.

822. I can understand that there would be no complaint, in many instances, by these poor people who might be disappointed, who had not the time or the means to make complaint; but here was a wrong being done to you, and to you in your profession, and by a man altogether independent of his office; why on earth did you not complain to the Registrar General?—Well, I did not feel disposed to damage a man in the way in which it would have damaged him. I confess to you I would rather bear the injury myself than I would be guilty of damaging a man in his position and in his living.

823. Did you expostulate with him?—I talked to him many a time and said I wished him to conduct himself with propriety.

824. This subject must have been a matter of frequent argument and controversy between yourself and other persons, both persons belonging to your own church, and others, in the course of these 30 years and odd; is that so?—Yes.

825. Now I want to know; I suppose you will tell us fairly; have you ever heard what is the objection suggested or the danger suggested in making such an alteration as is suggested by Mr. Perks's Bill, namely, taking the registrar

Chairman—continued.

out of the Nonconformist chapels. There are two sides to the question, I presume; what is the other side that has been suggested to you?—Well, we look upon it as a disability. We have had it suggested to us that we are not capable of properly recording the marriage. I believe that is the general feeling so far as I know.

Mr. *Carvell Williams.*

826. What do you mean by "recording" it?—Making the register of it.

Chairman.

827. Is there any other objection made; have you had any other objection made to you except that inability to record properly; have you had any other objection made against the taking of the registrar out of Nonconformist chapels?—There is no other that I have heard of or that I can think of except this: that because we are Dissenters we must have a registrar to watch us as an infliction and a punishment for being Dissenters; there is nothing else but that for it.

828. Do you find that the objection you mention is one that comes from the ministry alone or from the laity as well—the objection to the presence of the registrar?—That is the general feeling, that that is an infliction, and that we are not capable of doing it, and therefore we must have a man who represents the law to do it for us.

829. Now supposing that any provision were made by law for a general system of registration, altogether apart from the performance of the ceremony in church or chapel, would there be be any objection in your denomination to very rigid registration laws keeping the record of the ceremony apart from the ceremony itself?—We should fall in with that; but we think that we are capable of doing anything that is to be done and anything that is necessary to be done. The minister who marries the parties should be able, we think, to begin and complete the whole, except this: the names, of course, to be entered at the office as they are entered now, and the registrar to hand over a certificate to me (for instance) of this marriage; I marry them, fill it up, and hand it back to him complete and perfect.

Sir *Francis Powell.*

830. How many places in your denomination have you which are registered for the celebration of marriage, approximately?—About 700.

831. Do you object to the appearance of any gentleman representing what I may describe as the civil power?—We object to him.

832. At the consecration of churches in the Church of England a gentleman representing the civil power, I believe, is always present; in the time of the late Bishop of London he was fully robed; are you aware that any members of the Church of England complain that at present such an official is deemed necessary?—I am unaware. I never heard such a thing before that there was anybody corresponding with the registrar who attends the dissenting chapels to marry people.

833. I put it in more general terms; representing the civil power?—I represent the civil power when I inter a body, and I have to have a certificate that that person has died a natural death; I represent the civil power then.

Sir *Francis Powell*—continued.

834. Do you complain of that position?—No, I do not.

835. But you do complain of the position as regards marriage?—No; but I object to another man being sent to represent the law and sit there while I do the work. I can do that work myself.

836. Then what is the remedy you propose?—Making every minister who marries a couple of persons the registrar to carry out and finish it; that is my remedy.

837. Should you desire the gentleman whom you describe as the minister to be authorised by some authority?—Yes, if you like.

838. Confining yourself to your own religious community, how would you suggest that he should be authorised?—Just as I have stated. There is the registrar's office in Rochdale, to which the persons or one of the two to be married should go to put in an appearance, and give the names, ages, residence. That should abide there under notice for so many days; at the end of that term the registrar to hand it over to Mr. Myers (in my own case), and say, "There is going to be a marriage at your chapel so and so." When that marriage takes place I should have to fill up the certificate, all required sign it, and the witnesses, and hand it to the registrar; and if I do not do it if you fine me you will soon cure me of any evil.

839. I do not like to mention names, because it is sometimes invidious; we will say Mr. A. B.; are you registered in some way in connection with this chapel?—I am resident not far away.

840. How are you registered? My contention is this: that somehow or another to cure this evil, the gentleman who marries must be authorised by some body, and I want to know by whom the gentleman in your community would be authorised?—I am not registered at all.

841. How does the registrar know you in your capacity; I am speaking of official knowledge, not of current rumour?—The registrars do not live far away from our chapels, and supposing that two persons entered a registrar's office, and gave him the names, he would ask: "Where then do you wish to be married"? "Bailie-street Chapel," they might reply. He would know that that was my chapel, and he would send a boy with a notice to me that there was going to be a marriage at our chapel at 10 o'clock tomorrow morning, could I be there? and if I could, I should say yes; and if not, I should say no, I cannot be there.

842. Then the fact of Mr. A. B. being authorised, would be attended with that incidental confirmation?—It is so now.

843. But the actual marriage in the legal sense is celebrated by the registrar, who is the recognised official?—Yes, in a legal sense.

844. I am trying to get over this difficulty about someone being legally authorised to perform the ceremony?—I do not see that anybody can be in the sense in which you use the term. I understand that I should not be legally authorised except a law passed legally authorising me to do so; but if there be any authority in office, in position, in character, I have it.

Sir *Francis Powell*—continued.

845. But suppose the law were to say we recognise for this purpose all ministers of the Wesleyan body, all ministers of your body, and so on, should you be willing to be acknowledged in that form?—Yes. We have 346 ministers who are properly authorised by our Conference to do anything they have to do in their official capacity.

846. Because I find this matter dealt with in the Statutes affecting the Irish Church since its disestablishment, and I see that the clergy of the Roman Catholic Church are allowed to marry. You would see no difficulty in your body being recognised in a similar manner?—No.

847. You will bear in mind in answering the question in that way, that there is no Establishment in Ireland. I do not understand that any complaint was made with reference to the Southport matter?—I do not know that there was any complaint. It has been made only very lately if complaint has been made.

Mr. *Oldroyd.*

848. Have you in your denomination any instances of marriages by laymen?—Very rare.

849. There are exceptional cases of that kind?—There have been, I suppose. I have never been acquainted with one myself; but I could not say that there have not been some cases; but they are very rare.

850. There is nothing in your constitution, or in the organisation of your church which would bar the performance of the ceremony by a layman?—Nothing in our organisation; nothing in our rules or constitution. We have some gentlemen in connection with us who are local preachers, occupying very high social positions, and I daresay in certain cases they have done so. I have not been present, but I believe they have.

851. Would you propose to include such men in the category of registered persons, or would you confine it to the ministers proper?—I do not know what to say. The present Mayor of Rochdale is a local preacher, and a man very much respected all over the neighbourhood, brought up in the neighbourhood, and I could not exclude him very well, even if I desired.

852. You said just now that if the ministers of your body were registered as authorised persons to perform and complete these registrations, in case of failure to fulfil your duty you would be willing to subject yourself to a fine?—Yes.

853. Do you think that that feeling would obtain generally among your ministers?—Yes.

854. They would be willing, you think, to put themselves in the same category as the present official registrars, who themselves are subject to fines?—Yes; if we break the law we are willing to pay the penalty of the law in that case, as in every other.

855. Is there in your community, amongst the members of your congregation, a strong feeling on this subject?—A very strong feeling.

856. And they think that the ministers of your denomination ought to have the same authority to do everything connected with the marriage that is now done by a minister of the Church of England?—They do; they take that position.

Mr. *Oldroyd*—continued.

Mr. *Carvell Williams.*

857. With regard to the statement that the Registrar General has received only 16 complaints against registrars in two years and a half, does that, in your opinion, at all adequately represent the number of cases which might have been complained of?—No, it does not represent the number of cases which might have been complained of. I have had nearly half that number myself in the last three years.

858. In your opinion, does the present state of the law deter some, if not many persons, from being married at their own places of worship?—Yes, it does deter them.

859. So that there would be an increase, you think, in the number of marriages at Nonconformist places of worship if the law were altered?—Yes, I do think so.

860. Are the regulations of your body such as to render it in a high degree improbable that the use of your chapels could be obtained by ill-disposed persons for fraudulent marriages?—I hardly understand the question. Would you put it again?

861. Would it be possible for a stranger to obtain the use of one of your chapels for the purpose of going through a form of marriage ceremony which would, in fact, be an illegal ceremony; or are the regulations of your body of such a kind that no stranger would be allowed to officiate unless you had satisfactory information regarding his character and status?—Well, the question is a new one to me; but it strikes me very forcibly just now that that would be simply an impossibility; and I will tell you why. In the Bailie Street circuit, Rochdale, there are ten chapels, four of them registered for marriages. Dr. Stephenson (that is the Wesleyan President) could not marry a couple in one of our chapels without asking me for my consent; and if a notice was given at Bailie-street for a marriage the chapel keeper would say: "You must go to Mr. Myers and ask his consent." We do not allow anybody to come to our chapel to conduct a marriage without myself, as superintendent of the circuit, knowing who it is.

862. You have spoken of the Nonconformist minister carrying out the entire proceedings, and doing exactly as a clergyman of the establishment does; you do not mean by that that Nonconformist ministers should have anything to do with the business of registration?—No.

863. You simply mean that after they have filled up the certificates they shall send them to the registrar for the purpose of registration?—Yes; carry them, I say. Let the minister carry the register itself, or see that it is delivered into the hands of the registrar.

864. When you said that you thought your body would be content with the authorisation of their ministers to marry, did you mean that they would be content with an Act of Parliament that allowed them to officiate and did not put other Nonconformist bodies on the same footing?—No; I should not be content with that, and they would not, I think, as Dissenters. I represent now in that dissenters; I think that we ought to

be

Mr. *Carvell Williams*—continued.

be put upon an equality with the Church of England.

865. And, therefore, you would not be content to accept legislation in favour of your body unless it also included other Nonconformists?—No.

866. And treated you all alike?—And treated us all alike. I do not want any favours.

Mr. *Perks.*

867. The chapels of your body are all vested in trustees, who make regulations, I suppose, for the transaction of the affairs inside those chapels?—Yes.

868. They are under the control of trustees, whose duty it would be to see that there was nothing improper transacted there?—Yes.

869. And, therefore, bogus marriages would be almost an impossibility, apart altogether from the ministerial oversight?—Yes; I think the thing would be impossible.

870. You have 1,300 chapels, or thereabouts, in connection with your religious community?—Yes.

871. And about half of those, you say, are licensed for marriages?—Yes; I should think so, about 600.

872. And you pay a fee of 3*l.* or three guineas for the license?—Yes; I think three guineas is the sum.

873. We have had it in evidence that in the Society of Friends no fee is paid for the licensing of their places of worship for marriage; do you see any reason why your chapels, when registered for worship, should require any further fee for conducting marriages?—No, I do not.

874. It would facilitate marriages and accomplish, therefore, one of the objects that the law has in view, if all your chapels when registered for worship were at the same time and for the same fee licensed for marriage?—Yes.

875. Now have you had any experience of the Scotch and the Irish methods of conducting marriage?—I have not.

876. At present there is perfect equality in Ireland among all churches, and ministers of all denominations are on an absolute equality in Ireland, and there is a penalty of 40*l.*, I think, in the Irish Act; is that so?—I do not know; I have not read it.

877. Have you considered the scheme which was approved by the joint committee of Nonconformists bodies in this country?—Yes, I have.

878. And your Conference thoroughly approves that scheme?—So far as it goes, we accept it.

879. You are aware that it is not identical, of course, with the Church of England system?—I am.

880. There the certificate is prepared by the Church clergyman, and not by the registrar?—Yes.

881. Do you think that there would be any difficulty in ministers of the Methodist Free Church filling in such a schedule as that which is annexed to my Bill?—I think there is no difficulty whatever.

882. They are perfectly capable of doing such a thing?—If a man met me on the road and told me I was not capable of filling it in, I should laugh at him and go on.

Mr. *Perks*—continued.

883. You would object to your ministers being registered in connection with their places of worship for conducting marriages?—There would be a little difficulty, inasmuch as we do remove every few years, and there would be a little difficulty in connection with that necessarily.

884. That was the principle embodied in a Bill which was rejected by your body in 1887, I think?—Yes.

885. For that among other reasons?—Yes.

886. In the villages have you often found the village Nonconformists marry in the Church of England from motives of economy, and from the difficulties which arises in getting their certificates from the market town?—I have found that both in little villages and in large towns.

887. We have been told that it is a ministerial grievance that we are now discussing; has your experience been that the complaints come more largely from the laity than from the ministers?—Well, I could not say more largely, but the complaint does come from the laity; but the ministers too feel very strongly about it.

888. Have you had any experience of posting up the notices of Nonconformist marriages in the workhouse?—No, I have had no experience of that.

Mr. *Jordan.*

889. You gave two cases of irregularity, one in Bow and one in Southport; have you any other cases of irregularity to mention?—They are constantly occurring, cases where you have to wait 5, 10, or 15 minutes; and they are incidental to the fact that the registrar in large centres has to go to two or three chapels on the same day to marriages, and hence there has to be a giving and a taking.

890. But what I asked is, is it within your own knowledge that there have been other cases; do you know of any other cases than the three you have given, of irregularity, where substantial mischief has arisen?—Well, I could not authenticate a case just now.

891. You can verify those two?—Yes.

892. You seem to be in the happy position of having a great number of respectable people connected with you; these two were fashionable marriages you say; now would you have felt so strongly in relation to these irregularities, if the parties had been poorer people. You seem to feel very strongly about the irregularity in relation to these two fashionable marriages; would you have felt similarly strongly had the irregularity occurred in relation to poor people?—Well, I can hardly answer that question I confess. It would depend. If there had been only two or three people in the chapel besides myself there would not have been such feeling manifested I confess. I should feel as much on behalf of the two persons however poor they were, but a large company, 500 people, met to witness a marriage, necessarily causes excitement in a case like that.

893. Do you consider the conduct of the registrars unsatisfactory at the marriages?—I have no fault to find with the registrars; they

Mr. *Jordan*—continued.

have ever been very kind to me, and I have no fault to find with them.

894. Then how do you complain of the conduct of this man Purvy; if their conduct is perfectly satisfactory, how do you complain of his religious and political views goading him on to act in an improper manner in coming in and out of your church?—I do not exactly understand the question I confess.

895. You have complained of one registrar; you have said that this man was a very strong Churchman, and a very strong Conservative, and that he made disparaging remarks?—Yes.

896. Is that satisfactory to you?—No, I did not suggest that it was.

897. Is not that the conduct of the registrar being unsatisfactory?—Yes, so far as it goes.

898. Then you do not think that his religious and political views should influence his conduct in his official capacity?—I do not think so.

899. Do you consider (I think you indicated so much) the motive of the law in appointing registrars to attend Nonconformist marriages to be, first, the incompetence of Nonconformists to register the marriages; and, secondly, the infliction on Nonconformists of an indignity and disability and punishment because they are Nonconformists?—I cannot think of any other reason why the law should be as it is. If you can suggest one to me I shall be glad to hear it; but I have never been able to hear any one give a reason why but that.

900. But you adhere to that view?—I do.

901. I gather from you that you consider the present state of the law unsatisfactory to your denomination?—I do.

902. Both lay and clerical?—Yes.

903. You consider also, as I have already said, that the state of the law is a disability to you and to your people?—We do.

904. Is it your opinion, then, that registrars should be excluded from all Nonconformist places of worship at marriages?—It is.

905. And that the minister should marry and fill up the certificates and hand them to the official registrar himself?—I do think so; that is my view of the case.

906. Then your view is that all parties, both Nonconformist and Church, should be placed on an equality?—In that respect.

907. In other words, that if the registrars are excluded from the Church of England they ought to be excluded from all Nonconformist places of worship?—Yes.

Mr. *Griffith-Boscawen.*

908. You have stated that you feel some change is necessary, because you are in a position of inequality with the Church?—Yes.

909. Now, would this satisfy you: if, instead of taking the registrar out of the chapel, you put them into the church; that is to say, that the registrars should attend marriages in the Church of England as well as in the Dissenting Chapels?—Well, I would not agree to that personally. I think we have nothing to do with trying to force the registrar upon the Church of England, and I have never been in favour of that for 30 years.

Mr. *Griffith-Boscawen*—continued.

910. I ask that question because other witnesses have expressed themselves in that sense?—I never felt that we had any right to do that; if one half of the population want to marry without the registrar we have no right to suggest that he should be forced upon them.

911. In other words, you feel that, in addition to the sentimental grievance of inequality, there is the practical grievance you have spoken of?—Yes.

912. You do not wish to inflict that practical grievance on others?—I do not.

913. Do not you consider it most important that marriages should be carefully and properly registered, in order to prove marriages afterwards?—Yes, the greatest care should be exercised, and severe punishment inflicted in case of neglect.

914. Are you aware that we have had very strong evidence given to this Committee that in the Church of England the register has been, and is, badly kept?—I have known that for 30 years. I have been frequently to Somerset House, and I am acquainted with some of the clerks there, and I know the state of things.

915. You know that it is kept badly?—Badly.

916. Do you not think if you took the registrar out of the chapel the result would be that in the case of Nonconformist marriages the register, which is well kept now, would be kept badly also in that case?—No.

917. You believe, then, that the minister or the person officiating in the Nonconformist chapel would keep the register better than the clergymen officiating in the Church of England?—I do.

918. Why?—You had better give your judgment, an old judge says, and withhold your reasons.

919. I want to know your reasons?—Our ministers go to college, and one part of the training is to business habits, and the connection schedules which I have to fill up every year and send up to the secretary of the Conference every year, infinitely surpass in difficulty anything of the sort of that marriage certificate; there is no comparison at all between them.

920. You think that your ministers are so trained that they could without fear fill up these forms, and would do so regularly without any carelessness, whereas you think that the clergy of the Church of England are not sufficiently trained in business habits to do it?—I do not want to reflect on anybody else.

921. I merely put the question because you say you know that it is badly done in the church?—Yes, well I do know it. Now allow me, please, to explain.

922. Certainly?—I have had in my 30 years' experience some 40 colleagues; I have two at present, younger men than myself; anything in this way, requiring an explanation, they come to me about; if it is a question of experience they come to me about it, and I show them how to do it; and I do not know one of our ministers who, in a difficulty, would not go to a senior and ask his advice how to do it. They would never attempt to fill up a certificate like that without either

Mr. *Griffith-Boscawen*—continued.

either being able to do it correctly or asking some one else how to do it.

923. I may take it from you that you think your ministers of the United Methodist Free Church would do the thing correctly on account of their business habits. You have told us that the marriage need not necessarily be performed by the minister in your churches; would the person chosen to perform the marriage necessarily be as competent to do it as your minister?—I believe so; there are so few persons out of the ministry who ever do perform such a marriage; they are men of business, men of high social position who from friendship or early acquaintance are asked to do a favour like that; but if a law passed only authorising the ministers to do it, those men would say in a moment, "We have nothing to do with it;" and they would give place.

924. You would accept a law, I may take it, which authorised the minister only to perform a marriage?—Yes; so would they.

925. You think they would in your church?—Yes, there would be no difficulty about that.

926. We have had evidence that in other churches that would not be the case?—With us it would.

927. Still I understand you are anxious in this matter to serve, not only the interests of your own connexion, but those of Nonconformists generally?—Yes.

928. Would you abandon the position which you have now taken up in order to secure the co-operation of other Nonconformist sects?—I should go in for only the minister; and then you would have a definition and a rule to go by.

929. You would not support a measure which authorized anybody but the minister?—I would not.

Mr. *Picton.*

930. I think you will excuse me if I point out to you that there is a little difference between the answer you have just now given and one you gave previously; at any rate, I quite understood you to say that you would object to any law that should confine the right of performing the marriage ceremony to ministers?—Oh, dear, no.

931. I certainly gathered it from you?—No, I did not have the question asked me.

932. Then I beg your pardon if I am mistaken, but I certainly understood you to say so, that there would be nothing to prevent laymen performing the ceremony?—That there is nothing at present.

933. You did say to Mr. Carvell Williams that you would not object to combine with the other religious denominations to obtain a reform of the law, even though it should allow others besides ministers to perform the ceremony of marriage?—I would not object to that; but my opinion is that you ought to limit it to ministers, and then you know where you are.

934. I will put it in this way: You would be decidedly against any alteration of the law which would allow anyone whatever taken out of the street to perform the marriage ceremony?—I would not allow a person taken out of the street to register a marriage.

Mr. *Picton*—continued.

935. And you would object to a law which imposed no limitation whatever?—I would, if I might have my own feeling and way about it.

936. You think there must be some limitation and restriction?—Yes, I think so.

937. Then, with regard to the annoyances which you have named, and of which I confess I have heard with very much surprise (of course such things have occurred), I gather that you were prevented from sending up information to the Registrar General simply by benevolence?—Well, yes, you may say out of kindness to the man; I did not want to injure him.

938. Perhaps you did not think of the public interests that were involved at the time; I want you to see that we are placed in a difficulty; we are told by the Registrar General that he has only had 16 cases of complaint in two years and a-half, and that gives the impression that the causes of complaint are very few; on the other hand, we hear from you a very grave cause of complaint like this, which you did not report?—I will answer by saying this: I have been in the ministry nearly 35 years, and in that respect of marrying I have been somewhat popular. I was in Leeds circuit; we had 3,500 members in that circuit, and I should think I had one marriage a week on an average. I met with many inconveniences during that time, but I never reported one in my life.

939. Do not you think if you had reported them you might have had a better state of things to lay before us?—I did not expect to have to come and give evidence to a Committee or I might have done it in preparation. I did not wish to report and punish these men for every little delinquency they were guilty of. Besides many of them were simply incidental. The registrars had been at a Catholic chapel, or at some other dissenting chapel, and there having been a delay, and they having made their arrangements, they would not work by the clock, and I had to wait an hour, or half-an-hour, as the case might be. In the working of the system we have found that.

940. You have told us that you have 700 chapels; about how many are licensed for marriages?—No, we have 1300 chapels, but speaking from memory we have between 600 and 700 chapels registered for marriages.

941. Are those chapels which are registered for marriage only found in towns?—They are found in country districts as well. I was in Spalding circuit, in Lincolnshire; we had 21 chapels there, and we had nine of them registered for marriages; and except Holbeach, a little market town of 2000 people, all the rest were in villages and hamlets.

942. Would each of those little chapels have a minister attached to it?—No. When a marriage took place at any of those nine chapels I had to go to do it.

943. Who had the authority to lend the chapel for a religious service, or for a marriage?—In our church there is generally a trust of 21 persons who form the trust of each chapel. Now, the trustees meet, they are compelled to meet, every year to go through the accounts; they are compelled to keep a minute book and to record

Mr. *Picton*—continued.

the minutes by law; they are compelled (the deed upon which the chapel is settled compels them) to keep a minute book to be signed by the chairman and the secretary at each meeting; and that the annual meeting to which I have referred usually appoints three persons, a sub-committee to lend the chapel for such religious purposes as may be required apart from their own services.

944. Are they resident?—They must be resident in order to so consent.

945. Do these three agree amongst each other to leave it to any one of them to exercise that power?—They never do, as far as I know. They are very particular about lending. But in a village where there is a large chapel belonging to any of the branches of Methodism, on a public occasion they borrow the largest; and on a public occasion they are willing to lend each other the largest chapel for a public service.

946. Are chapels occasionally lent to other denominations for religious services?—Yes.

947. They are very good natured in doing that?—Yes, sometimes.

948. Are they more careful in lending the chapel for a marriage ceremony than for an ordinary religious service?—Well, I have never known in my life a case where a chapel has been asked for in a country village. I have had a case in Rochdale; a Congregational minister had his chapel down under repair, the roof was off; and there was a young couple in connection with his church who wanted to be married, and they preferred Bailie-street (that is the place with which I am connected), and they applied and they were told, "You have to go to Mr. Myers to ask his consent," and one of them came to me and I gave my consent.

949. If it were in a remote village your consent would not be asked, would it?—In my circuit in all the eleven chapels a marriage could not take place without my consent.

950. Is that the case in all the circuits, that no marriage would take place without the consent of the minister?—It is the rule, and I believe it would not take place.

951. Is the rule never broken?—It never has been that I know of.

952. Cannot they lend the chapel for a religious service, for another minister to preach there without the consent of the minister in charge?—Yes, they can do it.

953. Have you ever heard of a case in which a Primitive Methodist chapel has been lent to a Unitarian minister for a religious service?—I never did hear of such a case; I never heard of a case like that before.

954. Would you be surprised if I told you that I had known of a case?—Yes; but I never did.

Mr. *Jordan.*

955. As a minister, do you consider the marriage service a religious service?—I consider it both.

956. But do you consider it a religious service?—I do.

957. Do you think it desirable to subject people going to be married to two marriages: first, the civil marriage before a registrar, and,

Mr. *Jordan*—continued.

secondly, a religious marriage; do you think that convenient and desirable?—I do not think anybody could force, or ought to force, a person to have any religious service in any way whatever.

958. My point is, if you consider it a religious service, and if any other legislation took place compelling the parties to go before a registrar as well to be married, would you think it convenient and desirable that the parties to be married should be compelled first to go to the registrar and be married civilly, and then, in order to carry out their convictions, to go to you to be married religiously; is that a desirable course?—I do not think it is possible in this country to have a proper registration of marriages without a civil recognition of it.

959. That is not my point; my point is, do you consider the double ceremony a disability?—You could not by law force a person, or two persons, to have a religious service.

Chairman.

960. I am sure you have not caught Mr. Jordan's question?—It is my dulness, no doubt.

Mr. *Jordan.*

961. My point is this: It has been suggested that marriages should take place before the civil power, that is the registrar, and let everybody else who has a religious conviction gratify it by going to a minister and getting married afterwards; would you consider it a disability, so far as getting married goes, that they should he compelled to have a dual marriage?—I do not quite know how to answer that question. At the present time persons can be married at the registrar's office.

Chairman.

962. I think I can put it clearly: is it, or is it not, the fact that in your denomination, as well as in other denominations, the contract is considered of so much importance that it is considered to be one to which the solemnity of a religious service ought to be attached?—We think so.

963. And assuming that your consciences called upon you to perform the marriage service and be married in that form, do you or not consider it a disability to be called upon in addition to that to go through a form of being married by the registrar?—It is an aspect of the case I have not thought about.

Mr. *Jordan.*

964. I asked Dr. Waller this question at No. 628: "Do you consider it desirable and convenient that parties should be subjected to two legal ceremonies, namely, a civil marriage, and a religious marriage," and Dr. Waller said: "I think that is most undesirable;" do you agree with Dr. Waller?—I cannot answer that question.

Mr. *Carvell Williams.*

965. May I put it in this way; at present the legal ceremony and the religious ceremony are combined and form one?—Yes.

Mr. *Carwell Williams*—continued.

966. Do you object to the compulsory division of the two, the legal from the religious?—No, I do not. I have stated my view in this way: I would have a couple to give notice at the registrar's office, giving name, and age, and address, and so on, and the place which they wanted to be married at; and the marriage at the place by the minister should suffice as a marriage, and it should be both a legal and a religious service.

967. Then you object to the compulsory separation of the two?—I do.

Mr. *Jordan.*

968. Going to two places, going to the registrar's office first, and then to a chapel afterwards?—That is what I meant.

Sir *Francis Powell.*

969. Supposing a couple who belonged to your religious body were to be married at the registrar's office, and not seek marriage at one of your churches, should you as a religious denomination think less well of that couple?—We should think that they had not very strong religious sympathies.

Mr. JOHN BAMFORD SLACK, re-called; and further Examined.

Chairman.

970. WE were talking when you were here before about the Methodist London Council on behalf of which you appeared before us, and you stated that you were deputed to come here to express their opinion?—Yes.

971. Now before you do that let me ask you a few questions. You are, I think, a solicitor, are you not?—I am.

972. And as such, has it been your duty to make yourself acquainted with the history and the present incidence of the law of marriage?—I have made myself so acquainted to some extent.

973. Now first of all with reference to the contract of marriage; the marriage under the old canon law was, I believe, a sacrament, and is still in the Romish Church?—Under the canon law, properly so-called, a ceremony before a priest was not necessary.

974. That is going too fast. It was a sacrament, was it not?—Under the Roman Catholic Church.

975. Under the canon law?—And so because the Roman Catholic Church regarded marriage as a sacrament: by the Common Law of England which prevailed down to 1754, the presence of a clergyman in Holy Orders, either of the Church of England or of the Church of Rome, at the time of the solemnization was essential to the valid constitution of marriage; but a marriage solemnized by any such clergyman, whether publicly or privately, at whatever time or place, and in whatever manner between persons competent, was valid without any previous publication of banns, license, notice, or residence.

Mr. *Powell Williams.*

976. That was the case down to the time of Lord Hardwicke's Act?—Yes, it was, down to the time of Lord Hardwicke's Act, which was introduced as a Bill into this House in 1753, and became law in 1754. Lord Hardwicke's Act, I need hardly say, imposed the necessity of residence, banns, or license, and marriage in a parish church, or in a licensed chapel.

Chairman.

977. Before we get to the statute law, I want to take it a little earlier. I believe (you can me if I am right) that the sacrament of marriage was the only sacrament of the Romish Church which did not need originally by Canon Law the intervention of a clegyman; is that so?—I believe that is so.

Chairman—continued.

Sir *Francis Powell.*

978. That is the old canon law?—Yes, the old canon law.

979. That was altered by the Council of Trent?—Yes.

Chairman.

980. And then by the Council of Trent, as Sir Francis Powell reminds us, I believe that was altered in the direction that you indicated just now?—The presence of a priest being absolutely necessary up to 1754.

981. Now then, apart from the canon law, marriage by the common law of England is a compact between two persons?—It is a contract, no more and no less than any other contract known to the law.

982. And the common law has taken cognisance of it, and has regulated it, I presume, on account of the importance it has with regard to matters of inheritance and legitimacy, and so on?—Yes, and descent, the rights of children, and settlement. It has made an exception of it by insisting upon a record being kept.

983. Has the registration of the marriage in principle anything to do with the validity of the contract preceding it, apart from Statute?—Nothing whatever. In the Church of England the marriage must after a service, according to the rites and ceremonies of that church, be registered under the Births and Deaths Registration Act, 1836. If a clergyman refuses to register, or without reasonable cause omits to register, he is liable to a penalty of 50*l.*; but registration is not necessary to the validity of a marriage, and a marriage may be proved *aliunde* than from the register, as by proof of the actual ceremony by a person present.

984. Registration is the best, and is the statutory record of the event that has taken place?—But it does not affect the validity at all; it is the civil record.

985. Now, that being so in church, is the registration the presence of the registrar, and so on, essential or is it not essential, not to the recording of the fact, but to the fact itself in a Dissenting chapel?—The presence of the register is necessary.

Chairman—continued.

986. And is that, in point of principle, the difference between the two?—It is, so far as I understand it; that is the root of the whole matter.

987. And does the compulsory attendance of the registrar, or does it not, in fact, affect the validity of the service or contract, call it which you will, performed in the dissenting chapel?—These is no contract recognised by the law unless the registrar is present, and there is no legal contract of marriage.

988. Supposing that there should be a marriage in a church by a clergyman duly authorised, but that there should be by accident or negligence no record kept of it in the register of the church, would that marriage nevertheless be valid?—It would, if performed according to the rites of the Church of England, and between competent parties.

989. And if afterwards it were necessary to give evidence of the fact, would evidence *aliunde* be received although not the strict evidence of the register book?—Such evidence would be sufficient; as, for instance, the evidence of any person who was present at the ceremony.

990. If on the other hand in the same way a ceremony of marriage were to be performed in a dissenting chapel, accurate in all respects except that the registrar was absent, would that be a marriage or would it not?—It would not be a marriage.

991. Would it not be capable of being recognised as a marriage by proof *aliunde*?—No.

992. And is the result of that that by the Statute Law as it now stands the mere recording of the previous fact has become imported as a condition precedent to the validity of the act itself?—I am not quite clear upon that point. I should rather put it in this way: that the presence of some registrar of the district in which the registered building is situate, and of two or more credible witnesses, and also the fact that in some part of the ceremony and in the presence of such registrar and witnesses, each of the parties shall have used certain words audibly, is necessary. What is absolutely essential is the presence of the registrar and the making of a certain declaration in that registrar's presence; and I am not free from doubt as to whether, if the registrar subsequently neglected to register the marriage, such marriage would be invalid. He is liable to a penalty of 50*l.* if he does not register.

Mr. *Jordan.*

993. That does not affect the validity, you think?—I am not sure; I cannot find any case.

Mr. *Picton.*

994. In the absence of the register, the only difficulty would be a difficulty of proof, would it not?—I do not know how that would be in a dissenting place of worship. It is so in the Church of England. A marriage in a licensed dissenting place of worship is valid by virtue of a certain Statute.

995. But does not that provide that the contract which has been made in the marriage service shall be registered afterwards?—I believe it does.

Mr. *Picton*—continued.

996. Then the contract would stand even if there were no register of it?—Upon that I cannot express an opinion.

Mr. *Powell Williams.*

997. Would not the clergyman who had been the officiating minister if the marriage were performed according to the rites and ceremonies of the Church of England, be an adequate and sufficient witness?—I think he would.

998. And without any registrar?—And without any registrar. Might I say one word more. In a dissenting place of worship it is the bodily personal presence of the registrar that is necessary.

999. In the event of the ceremony taking place in a dissenting place of worship, neither a minister nor anyone else save the registrar can be a legal witness of the ceremony for the purposes of subsequent proof?—There must be two other legal witnesses; but the registrar is not there as a mere witness.

Mr. *Perks.*

1000. On that point have you looked at Section 20 of the Marriage Act of 1836, which is the section dealing with this particular point?—I should like to see it.

1001. It is very clearly put there that the registrar must attend and two witnesses?—This bears out what I said just now. The section does not go on to say that it is necessary that it should be registered afterwards: "Provided nevertheless, that every such marriage shall be solemnised with open doors, between the hours of eight and 12 in the forenoon, in the presence of some registrar of the district in which such registered building is situate, and of two or more credible witnesses. Provided also, that in some part of the ceremony, and in the presence of such registrar and witnesses, each of the parties shall declare: I do solemnly declare that I know not of any lawful impediment why I A. B. may not be joined in matrimony to C. D." And each of the parties shall say to the other, "I call upon these persons here present to witness that I A. B. do take C. D. to be my lawful wedded wife (or husband.") Provided also, that there be no lawful impediment to the marriage of such parties. The 23rd section goes on, "That the registrar shall forthwith register every marriage solominized in manner aforsaid in his presence in a marriage register book."

Chairman.

1002. Now just let us come to where you were before. You told us that you were authorised to attend and desired to attend by the Methodist Council of London?—There is one point that may be of interest which I may interpose here: During the time of the Commonwealth all mariages were solemnized before Justices of the Peace.

1003. Now you I believe are a local preacher?—I am.

1004. And I think we were told by Dr. Waller that the local preachers in your church number something like 16,000 or 17,000?—That is about the number.

1005. And is it the fact that the work that they do mainly, not entirely but mainly, is done in

Chairman—continued.

in the villages and outlying places rather than in the large and populous circuit towns?—Mainly.

1006. In the course of their work Sunday by Sunday in that way is it the fact that the local preachers of the denominations obtain an unusual amount of intercourse with, and knowledge of the desires of the Wesleyan Methodist people?—More so than any other class of men.

1007. Do the local preachers hold an annual meeting of their Wesleyan Methodist Local Preachers' Mutual Aid Association?—They do.

1008. I believe you are an officer of that?—Yes, I am a member of the general committee.

1009. And have they in point of fact just been holding the annual meeting within the last few days?—They are holding it at this time.

1010. It is at this moment in session I believe at Hull?—At Hull.

1011. And did the first meeting take place yesterday?—It commenced on Saturday evening.

1012. And extended over the Sunday into the Monday and to-day?—Yes.

1013. Now be good enough to tell me, has this matter which we are discussing to-day been brought before that assembly?—I brought it before them myself yesterday. I was there.

1014. How many delegates were there there from all parts of England?—Four hundred and nineteen.

1015. What was the resolution at which they arrived?—"That this conference, of more than 400 Methodist local preachers from all parts of England, hereby expresses its hearty approval of the Bill introduced into Parliament by Mr. Perks to amend the law relating to the attendance of registrars at marriages in Nonconformist places of worship, and trusts that the Bill may be speedily passed into law so as to enable marriages to be solemnized in Nonconformist places of worship without the attendance of the registrar." That was passed with unanimity, absolute unanimity, and the subject was taken up with very great euthusiasm.

Mr. *Perks.*

1016. I wanted to ask whether that body of delegates represents other Methodist Churches?—It represents not only the Wesleyan Methodist Church, but the United Methodist Free Church, and the Methodist Reform Union.

1017. And the Primitive Methodists?—No.

Chairman.

1018. It represents the denomination to which you belong, and also the one to which Mr. Myers belongs?—It does, and the Methodist Reform Union.

1019. Now did a discussion take place upon this?—No there was no discussion whatever; everyone was absolutely unanimous. Several of the local preachers came and spoke to me afterwards.

1020. That is what I want to get at. Yesterday were you informed by local preachers whom you know to be men of repute and veracity, of cases which had come under their own knowledge?—Yes.

Chairman—continued.

1021. And you can give us a few of those?—Yes. Mr. G. S. Ward, of Doncaster, informed me that he himself went with a marriage party about seven years ago to the Wesleyan Chapel at Doncaster. Some of the party had come several miles to be present at the ceremony. Owing to the registrar to whom the notice had been given having inserted a wrong date, the parties found to their discomfiture and annoyance that they could not be married, and had to wait until the next day.

1022. With regard to that, do you know whether that case was reported to the Registrar General?—Mr. Ward told me that he thought not. Then Mr. Samuel Dawson, of 26, Higher Davies-street, Bolton, told me that about a fortnight ago, two persons attended at the Trinity Wesleyan Chapel at Bolton for the purpose of being married. The Reverend H. W. Goodman was there, but the registrar, owing to some mistake on his part, had gone to another chapel, and when he arrived, he told the party that they would have to attend at the other chapel, for which his license or certificate had been made out, on the following day, and they were married there on the following day at 8 o'clock in the morning. He told me that this case was not reported. Another case is this: Mr. Arthur E. Yeaden, of No. 40, Heath-road, Bradford, Yorkshire, gave notice to be married at Eastbrooke Wesleyan Chapel, Bradford, which he at that time attended, and which I understand he now attends, on the 23rd of December 1884; but the registrar declined to accept the notice for that date, as he said he had so many other marriages about that time. The parties had accordingly to wait to suit the registrar's convenience until December the 27th, and so had to be married after instead of before the Christmas holiday. He told me that he made no complaint because he did not think it worth while; when he had once been married it did not as much matter to him what had happened. Mr. Albert W. Smith, an architect residing at Maidstone, informed me that on the 15th of July 1891 he was present at the New Cross Wesleyan Chapel, for the marriage of his own brother. The registrar forgot the appointment, and was only found after an hour's search, during which time the party was kept waiting. Mr. Smith says he believes the registrar was suspended. He was also present a few weeks afterwards at the marriage of a cousin at Maidstone Wesleyan Chapel, when through an oversight of the registrar, the party were kept waiting 20 minutes. Mr. J. Broxap, of Manchester, who is a prominent layman at the Gravel Lanes Wesleyan Chapel, Manchester, told me that he has had brought under his own personal notice a large number of cases of members of that congregation who had been married at church rather than at chapel, though they would very much have preferred to be married at chapel; and he gave as the reason that it was cheaper to be married at church. He said he had gone into the matter very fully, and found that the ordinary fees for a marriage to be paid at church amounted to 7*s.* 1*d.*, whereas those for marrying at chapel amounted to 15*s.* to 17*s.*; and he gave as an instance the case which had occurred quite recently of Frederick Collison, of No. 32, Derby-street, Lower Broughton,

Chairman—continued.

Manchester, who told Mr. Broxap that he was married at church, because he had made inquiries and found the cost was so much less than it would have been if he had been married at chapel. Those were cases mentioned by men who came and spoke to me yesterday afternoon before I left Hull, and there were several other cases mentioned to me, I should say half-a-dozen or 10 other cases were mentioned to me, but some of them occurred 18, 20, 25, and 30 years ago, and I thought they were rather ancient history. Many of them were cases of the men themselves. There is still some rankling in their own minds at the recollection of the incidents of their own marriage ceremony 20 or 30 years ago.

1023. Now then, with regard to the cases which you mentioned last time, I daresay you may recollect that I desired you, if you could, to be so good as to bring rather more home those cases that you mentioned then?—Yes, I have done that. I wrote to Mr. P. R. Glanville, of Fowey, in Cornwall, and he informs me that he made no complaint to the superintendent registrar. He says "I have made no complaint to the superintendent registrar, as I thought it would be useless."

1024. Is that the case you referred to in answer to Question 781, the case of the man that was to be married at Truro?—Yes.

1025. Do you know whether any complaint was made either to the superintendent registrar or to the Registrar General?—He says he made no complaint to anyone. With regard to the question of complaining, I am not at all surprised that these people do not complain.

1026. I will deal with that, please, afterwards; there is a statement to be made about that?—Mr. Glanville says "I am unable to inform you as to the nature of the business which took the registrar to Falmouth more than that the superintendent told me that it was some important legal business."

1027. Now there was a case at Chalfont, St. Giles?—Chalfont, St. Giles. I have received this letter from the Rev. C. Ashman Carter, Primitive Methodist minister, Chalfont, St. Giles.

1028. I think he was the officiating minister was he not?—Yes, on that occasion. He says: "Mr. George Wilkins and Miss Clara Lofty presented themselves for marriage on Christmas Day 1891 at 2 p.m. The registrar did not put in an appearance that day. The reasons assigned were that the roads were in an unfit state so that travelling was impossible, likewise the telegraph office being closed no message could be sent in that way. The friends of the bride and bridegroom object that the roads were in such a state as to prevent traffic, and in support of this they state that a lady friend walked from Winchmore Hill (near Amersham, the residence of registrar) four miles the same morning, and traffic was constantly on the road from Amersham to Chalfont during the day. Likewise the bridegroom and a friend walked to Amersham in the evening to ascertain the reason of the non-attendance of the registrar, the roads then being in a worse state than in the morning. These facts were reported to the superintendent registrar, but he supported

Chairman—continued.

the statement of the resident registrar that the roads were in an unfit state. The marriage took place the next day after considerable inconvenience had been experienced." Then I also wrote to Mr. Summers, the Congregational minister through whom I first heard of this case. He says in his letter. "The notoriety which incidents like these" (he refers to the two cases I quoted from his previous letter, that is to say, the Chalfont case and the case at his own church, where the registrar had been detained by a marriage at Chesham) "naturally gain, practically constitutes a Nonconformist disability of the most annoying kind, as people say, 'I shall not be married at chapel and have to sit and wait with the people staring at me; I shall go to church.' In addition to three weeks' notice at the superintendent registrar's office the registrar expects a reminder a day or two beforehand. In one case where a wedding which had been arranged for was broken off under peculiarily painful circumstances. I found at the last moment that the registrar had not been communicated with, and feared he would have his journey for nothing. He did not appear however and told me afterwards that he did not come without a second notice. However desirable such a notice may be on the score of courtesy, I do not think it ought to be made essential, and believe the practice has arisen in the first place from the known uncertainty of the registrar's punctual attendance. In the superintendent registrar's district of Amersham, there are 11 Nonconformist chapels registered for marriages, one at Amersham, five at Chesham (three miles distant), one at Chalfont (three miles), one at Chenies (four miles), one at Great Missenden (five miles), one at Beaconsfield (five miles), and one at Gold Hill (six miles). The two extremes, Beaconsfield and Great Missenden, are 10 miles apart. It is obvious that great risk of delay is thus incurred. But in this district there are five registrars of births and deaths, and it is part of their duty, as I am informed by the registrar here, to collect at stated intervals from the incumbents of every parish certificates of the marriages performed. I cannot see why this system cannot be extended to Nonconformist chapels registered for marriage. Or might not the registrar of births and deaths attend each Nonconformist wedding as deputy registrar *pro hac vice*? Personally I should prefer to dispense with his presence altogether, but his presence, if a grievance at all, would be an infinitesimal one compared with the intolerable inconvenience of the present system."

1029. Now what according to your view (you have not told us this yet) are the objections to the present system put into a concrete form?—Our desire as Wesleyan Methodists, so far as I understand it, is that the marriage service should constitute the marriage independent of any civil control. The registration should be merely the record of the marriage. I do not think we mind how strict the regulations as to registration may be. As marriages are conducted at present in Nonconformist places of worship, the registration is practically part of the religious service as the civil registrar has to hear certain words used, and has to be present at the registration afterwards. Then there are at least two causes which in my opinion place Nonconformists at a great disadvantage

Chairman—continued.

vantage with regard to marriage. The first is the fact that the superintendent registrar is almost always the clerk to the board of guardians; and this creates a feeling in many minds that there is a stigma of pauperism attending marriages which have to be announced at his office. Again, the distance of many parts of a rural district from the superintendent registrar's office where the notice must be personally given operates most injuriously. It is a serious matter, as I pointed out on Friday, for a labouriag man to lose a day's wage for a 10 or 12 miles journey; and I believe that it is attributable to these two causes that so many marriages amongst the working classes take place at church even when both parties are Nonconformists. It would be a great convenience if the registrars of births and deaths could receive notices and forward them to their superintendent registrars. Even that would be a convenience. Then again, the present law provides that a marriage must take place within the district of residence of one of the parties, except where there is no registered building in the district, and where the usual place of worship of one or both of the parties is not more than two miles from the district of residence. Mr. Summers, to whom I have just referred, informs me that he has twice had to refuse applications for marriage, one from persons living at Wedgerly, a village two miles from Beaconsfield, and only half a mile outside the Amersham district. The parties were Dissenters, but did not attend any chapel. The nearest licensed chapel in their own district was at Slough, six miles from Wedgerley. In another case he says the marriage could not be celebrated here from the parents house, but at considerable inconvenience had to be celebrated at Uxbridge, eight miles away, because the bride was managing a business for her father in that town. But in regard to that case, I think the same difficulty might arise with church people.

1030. Now you were saying just now that in your opinion the fact that there were comparatively few complaints made by persons who had suffered by the present law was not a fact difficult to account for; what were you going to say upon that point?—In my opinion, the reason why there are so few complaints of the inconvenience occasioned through the non-attendance, or the late attendance of the registrar, is because the mischief nearly always arises in the cases of very poor people who cannot afford the time or money to take any proceedings; and even if they were disposed to take any such proceeding, they would not know how to set about it. I think that it very seldom occurs in the cases of people who are in a better position. Moreover, when the marriage is once over, the parties do not care to have any further trouble in the matter; they know that they are married, and they try at once to forget all their previous troubles. The grievance, in my opinion, falls the most heavily upon those who are least able to bear it.

1031. Now we have had different suggestions made by different members of the Committee, in favour of retaining the registrar, in favour of putting the registrar into the church, and in favour of taking him out of the chapel; as far as you understand it, what is it that your

Chairman—continued.

denomination desires actually to be done?—We do not want to put him into the church, but we want to take him out of the chapel.

1032. Then it is right that I should put to you the difficulty that the registrars represent, that the mode of conducting marriages in church for purposes of registration is bad, and that it would not be desirable therefore to extend the danger by making the chapels the scene of errors of a similar character to those made in church; what do you say to that?—In the first place I think that the officiating persons in chapels would be able to do their work quite as well, and in the majority of cases better, than a considerable number of the clergymen do. The fact should not be lost sight of, that a great many of our ministers, almost the whole of them, have had a business training previous to their entering the ministry of our church.

1033. Have you read Dr. Waller's evidence?—No; I have not read anybody's evidence.

1034. Did you hear it?—I heard a little of it.

1035. Will you finish what you were saying?—As regards registration, so far as I am concerned (and I think this is the view of our church) if the marriage service constituted the legal contract of marriage, we do not care how strict you make your regulations, and your penalties for any default in proper registering either by the minister or the registrar, or anybody else. I think the proposal Mr. Perks makes of a registered envelope would be a very happy solution of the matter.

1036. But you want to take away the registrar as a necessary part of the religious service?—Certainly.

1037. Is that the substantial point?—That is the substantial point.

Mr. *Picton.*

1038. You said just now that you thought the proposal of a registered envelope was perfectly satisfactory?—It seems to me to be a satisfactory solution.

1039. But does not everything depend upon the person to whom the registered envelope is entrusted?—Yes a great deal depends upon that, of course.

1040. If he did not put it into the post the registrar would not get it, would he?—Certainly not.

1041. Then a great deal depends upon the person to whom it is entrusted?—Yes.

1042. Now I think you have been present during the morning?—Yes.

1043. You heard the previous evidence?—I heard Mr. Myer's evidence.

1044. Do you agree with the suggestion that the duty of celebrating marriages and registering them should only be entrusted to a limited class of people?—My own private opinion is that it would be sufficient for all practical purposes in our own church (I can speak for no one else) if it were entrusted to our ministers; but I can see at the same time that there would be great advantages if in the rural districts a certain number of the lay preachers were also included as authorised persons.

1045. You say a certain number; you would

Mr. *Picton*—continued.

have a limited number?—I think they are all perfectly competent to discharge the duties.

1046. You would limit it to lay preachers?—Certainly.

1047. Then you, I take it, would disapprove of the idea of throwing open the performance of the ceremony and the registration of the marriage to anybody without limit?—That [illegible]y view.

Sir *Francis Powell.*

1048. What is your view?—In our church, in the Wesleyan Methodist Church, I believe that on very rare occasions local preachers have conducted the marriage ceremony, and so far as the law is concerned it is perfectly valid that they should do so, because it recognises no distinction between local preachers and ministers.

Mr. *Picton.*

1049. Just now I think you said in answer to the Chairman that you would be satisfied with any arrangement that would make the performance of the ceremony the actual binding marriage, and add the registration only as a consequence?—As a matter of record.

1050. But I think you told us this morning that it might well be contended that the performance of the ceremony and the utterance of those legal words is the binding contract; that that constitutes the binding contract?—That is so; but in a Nonconformist place of worship the registrar must be there and must hear them.

1051. As a witness?—I do not think he is there as a witness only. The words of the Act are conclusive; it must be in his presence, but I do not think he is there as an ordinary witness; he is there as an officer of the State.

1052. Then would it be satisfactory, so far as you look at the matter, if the registrar were not required to be present in the chapel at the service, but attended in the vestry to make the registration?—I do not think that would answer the purpose. There ought to be the attendance of no other person necessary (except ordinary witnesses) than the minister.

1053. You would not allow the civil power to be represented at all?—Not at all at the chapel.

Mr. *Griffith-Boscawen.*

1054. I think you heard part of the evidence of Dr. Waller, did you not?—I did not hear it all; I was here on Tuesday morning for about half an hour whilst he was here.

1055. You say that what you wish to do is to take the registrar out of the chapel; you have expressed no desire to put the registrar into the church?—No.

1056. I asked the question because Dr. Waller said in answer to Question No. 637 that his idea would be that the registrar should be in the church as well?—I do not agree with Dr. Waller at all.

1057. He is an important person?—Yes, he is the Secretary of our Conference; I do not think he represents the views of the Wesleyan Methodist Church as a whole if he said so. I heard him say that, I remember now.

1058. The only other question I wish to ask you about is the question of accurate registration. You feel with other witnesses that the ministers of your body would be from their business habits perfectly qualified to fill up the forms?—I think so, certainly.

Mr. *Griffith-Boscawen*—continued.

1059. Now do you think that that applies also to the lay preachers; because you have just said that you thought that in the villages a certain number of lay preachers might also perform the marriage ceremony?—It applies to the enormous majority of them.

1060. How would they be chosen; how would the limited number of lay preachers be determined?—I think I ought to explain that we have in each circuit a list of duly authorised lay preachers, and the name of no one is placed upon that list who has not been as we say on trial for at least twelve months, and who has not passed a certain examination in the elements of theology, and in a great many circuits in the elements of English as well.

1061. But you have perfect confidence that there would be no ground for fearing inaccurate registration if lay preachers were chosen to officiate at marriages?—I should not extend that to all lay preachers. Any diffidence in answering your question in the affirmative would diminish with each year.

1062. What I want to know is in what precise manner would the lay preachers be chosen to perform this office, remembering the importance of registration?—We have once in every three months in every circuit in Wesleyan Methodism the local preachers' quarterly meeting, which exercise juirisdiction for church purposes in all matters affecting local preaching.

1063. And they would choose?—They could choose; the matter would be absolutely safe in their hands.

1064. You have confidence at all events that in the Wesleyan body there would be no danger?—We have ample safeguards; no church in the world, in my humble opinion, has such safeguards.

1065. You recognise that if this bill passes, it would be necessary to have very ample safeguards?—I think it is most important that the person who officiates at the marriage should have a proper qualification.

1066. Should you feel certain that in other Nonconformist connections whose views you have determined to meet, there would be adequate safeguards?—I do not know sufficient about their system of church government to answer that question.

1067. When you determined to meet their views in order to get conbined action, were you ignorant then of the manner of people and the kind of people who might be called upon by them to perform the marriage ceremony?—I was not aware that in any of the other Nonconformist churches or bodies of this country anyone other than a minister did perform the marriage ceremony.

1068. In other words, when you agreed to meet them on that point, you did not understand that you were extending it beyond ministers?—I have never given that question consideration.

1069. At all events it is an important question if we consider the great importances of having marriages properly registered?—I quite agree that it is most important that marriages should be properly registered, and I think you would meet

Mr. *Griffith-Boscawen*—continued.

meet the case by providing legal safeguards by way of penalty and otherwise.

1070. What sort of legal safeguards?—Mr. Perks proposes that there shall be certain fines upon any one officiating who does not transmit to the registrar the certificate properly signed within 72 hours.

1071. I will just put it in this way: do you consider that the legal safeguards in Mr. Perks' Bill are amply sufficient to secure a perfect system of registration, a better system say than exists in the church at the present time?—So far as I am able to judge the safeguards in Mr. Perks' Bill ought to be sufficient. I have read it very carefully and that is the conclusion to which I have come.

Mr. *Jordan.*

1072. Could this matter of lay preachers and ministers not be regulated as a matter of detail afterwards?—I think that could be regulated by each church.

1073. As a matter of detail?—Yes.

1074. It does not affect the principle?—It does not affect the principle at all.

1075. You mentioned several irregularities. I want to ask you can these irregularities which you have mentioned to-day be verified?—The cases I have mentioned to-day, do you mean?

1076. Yes?—Every one of them. I can produce the men; I got the evidence from the lips of the men and took it down in writing yesterday afternoon.

1077. We have had the reiterated statement that very few reports have been made, though we have had very many irregularities alleged. I have not been satisfied as to the reason of that. You complain now that you have irregularities, and yet you do not report these irregular cases. I cannot understand why; is it that Englishmen are afraid of reporting such things?—No, not at all. I have given my opinion of the reason, that when a man and a woman have once married they do not care about anything that has happened before.

1078. You say that you passed the resolution at the local preachers' conference yesterday in support of Mr. Perks' Bill; now was that resolution a compliment to Mr. Perks as a brother, or did it convey a strong conviction?—I am perfectly certain that it had no reference to Mr. Perks personally at all. Mr. Perks is not a local preacher.

1079. But it conveyed a strong conviction?—It was a strong conviction, and I was very much impressed by the manner in which it was received.

1080. Did I rightly understand you to say that at common law marriage is simply a contract like any other contract?—In the light of the common law; that is the way in which the common law of England regards it.

1081. Then did I understand you to say further that registration in the English church is not necessary to a valid marrige?—That is so, provided the marriage has been solemnized with the due rites and ceremonies of the English church and between competent parties.

1082. And that registration in the Church of England is but noting the valid act which has taken place?—That is so.

1083. And that it can be witnessed by any person, and the clergyman is a competent witness?—It may be testified to afterwards.

Mr. *Jordan*—continued.

1084. It may be testified to afterwards by any person present and that the clergyman is a competent witness?—I think the clergyman would be a perfectly competent witness.

1085. Did I rightly understand you to say that in dissenting chapels no marriage is a contract unless the registrar is present?—That is so, unless he is present and hears certain words.

1086. Did I understand you further to say, or can you positively state, that the marriages performed in Nonconformist chapels would be invalid though the registrar should be present; if he neglected to register the marriage?—My present impression is that, having regard to Section 20 of the Act of 1836, if the registrar were there and heard the words and if in all other respects Section 20 of the Act of 1836 were complied with, it would be a legal marriage, even though the registrar neglected to formally register it and make up his record afterwards; because Section 20 says so.

1087. Is not that at variance with what you stated, as you went along. I gathered the impression that you said that the marriage would be invalid though he were present if he neglected to register the marriage?—I declined to express a legal opinion.

1088. I thought so. I wished to put it a little further: In the relative state of the law as between the church and the Nonconformists do you consider that state of things a disability to the Nonconformists?—Certainly.

1089. Do you consider that the law should be so altered as that both Churchmen and Nonconformists should be put on an equality?—Yes.

1090. In which direction would you wish the equality; will you say whether it would be that the church should conform to Nonconformity or Nonconformity conform to the church?—That the Nonconformist system should be brought more into harmony with that of the church than otherwise. I do not wish to place any disability upon the church.

1091. Yo do not wish to interfere with the present state of affairs in the church?—Oh no.

1092. And on the whole so far as you give evidence, it is fairly satisfactory both to church people and to other people?—Yes, I think the church system has upon the whole worked very well for centuries.

1093. And you only want that Nonconformists should be placed on somewhat of a level of equality with the church?—Yes, and the disability removed.

1094. Do I rightly understand that you do not object to strict registration but to the statutory attendance or enforced attendance of the registrar at the marriage of Nonconformists?—It is to that attendance that we object.

Mr. *Perks.*

1095. In adopting the phrase, "the person officiating at the marriage," I suppose the Nonconformist Committee intended to leave each church to make its own regulations?—That was the idea; at least so I always understood.

1096. Now there has been some comparison as between the registers of the chapels and churches; have you considered whether the

Mr. *Perks*—continued.

scheme proposed by the Nonconformist Committee and churches does not provide a considerably greater safeguard than is at present possessed in the Church of England?—I think it does.

1097. For example in the church there are only two stages at which the accuracy of the certificate may be ascertained, and two persons concerned in securing the accuracy; the person who draws up the certificate and the superintendent registrar to whom that is sent quarterly?—That is all.

1098. Now let me compare that with the proposal which is made, in which first of all the certificate is prepared by the local registrar?—That is so.

1099. And it is sent to the minister?—That is so.

1100. Therefore the minister is the second person responsible for the accuracy of that certificate?—Yes.

1101. That is stage two; stage three, that certificate has to be sent back by the person officiating, under a penalty to the registrar from whom it emanated originally; that is the third stage?—Yes.

1102. And then it goes to the Superintendent Registrar:—Yes.

1103. So that there are four stages at which the accuracy of the certificate may be checked, and ascertained as against two in the church; and three persons are concerned in doing so, as against two in the church?—That is so.

1104. Would not the effect of that be in your judgment to secure a greater perfection in the proposed system in Nonconformist chapels than at present exists in the church so far as registration goes?—Undoubtedly; there can be no comparison between safeguards in the two systems in my opinion.

1105. And further it is the practice at present to keep a register in the chapels apart altogether from the certificate?—Yes.

1106. You think that it would secure absolute perfection or as near perfection as possible?—A very much more perfect system than anything now current.

Mr. *Carvell Williams.*

1107. It is suggested that under Mr. Perks' Bill, there may be neglect on the part of the officiating person to send the certificate to the registrar for registration; in your view as I understand it that would not affect the validity of the marriage; it would be a marriage still without the registration?—I think so, having regard to Section 20 of the Act of 1836.

1108. You were asked whether the ministers of your body would not do the work connected with marriage as well as the clergy of the establishment; you are of course aware that they are not called upon, and would not be called upon, to do the same kind of work, inasmuch as they have nothing to do with registration?—Yes, nor have they anything to do with the notices.

1109. Their functions are of a more limited kind?—Very much more limited. They would not have so much to do; their duties would not be so responsible.

Mr. *Carvell Williams*—continued.

1110. Although the registrar must be present at a Nonconformist marriage, in your view it is not he who marries the parties, but the officiating person?—That is our view as a church; as a religious body. It is not my view as a lawyer.

1111. On what do you base your view as a lawyer?—In my opinion as a lawyer, so long as those words are used in the presence of the registrar everything else is surplusage in the constitution of the legal contract of marriage.

1112. But does not the minister certify that the marriage has been conducted by him. I understand you have two opinions; as a non-professional man, you think it is the minister who marries the parties?—No.

1113. Then do I understand you to be of opinion that it is the registrar who marries the persons?—It is my opinion that it would not be a marriage without the registrar's presence.

1114. That is another question. Do registrars ever attend at marriages at Nonconformist places of worship on Sundays?—Oh, yes; I know they do.

1115. No difficulties have arisen in connection with Sunday marriages?—In Derbyshire, where I lived, I never heard of any difficulties being raised. The registrar of my own district in Derbyshire (Ripley) was the father of one of my own clerks, and one of my clerks was, I believe, the deputy of the registrar.

1116. Are you of opinion that, in order to meet the difficulties experienced in regard to giving the notices, there should be some official person in every locality who should receive notice?—There ought to be some one in every parish.

1117. So as to obviate the necessity of travelling long distances to give the notices?—Certainly.

1118. And do you think that there should be similar facilities in regard to the marriage itself, so that it should not be necessary to travel far?—Yes.

1119. Have you considered the expediency of the State undertaking the costs which are now met by means of fees?—I have never thought of that. I see no reason why it should not.

1120. You are aware, I think you have stated, that the cost of marriage under the present law forms a heavy burden upon the poor?—Yes, it does.

1121. And, therefore, if the State were to undertake that cost itself, it would be an advantage to the community?—Yes, it would, and I see no objection to it. It costs nothing to register the birth of a child.

Sir *Francis Powell.*

1122. You, of course, are perfectly well acquainted with the Act of 1836 respecting marriages?—Yes, I am acquainted with that Act.

1123. I wish to call your attention to Section 17, a well known section, which enables the superintendent registrar to appoint in writing a person to be registrar of marriages; you are acquainted with that?—Yes.

1124. Then in Section 20, to which you have already referred, the presence of some registrar is

Sir *Francis Powell*—continued.

is necessary?—Some registrar of the district in which the registered building is situated.

1125. Do you consider if a person acts under Section 20 who has not been appointed by the superintendent registrar under Section 17, that the marriage is bad, or is it good. You observe the wording of Section 20 is rather remarkable, "some" registrar?—"Of the district."

1126. It does not say "registrar appointed as aforesaid," but simply says, "some registrar?" —I am afraid it would be bad.

1127. Is your opinion sanctioned by any case that has been decided?—I have only given the opinion on first impression; I have never heard the point raised.

1128. You give the opinion (I ask the question with all respect) off-hand, in answer to my question, without having carefully considered it as a lawyer?—That is so.

Mr. *Oldroyd.*

1129. You said that in celebrating the marriages at Nonconformist churches your idea was that there should be no representative of the civil power at all?—That is so, other than the minister. Under Mr. Perks' proposal, the minister would have certain civil functions to perform.

1130. You think that the people whom you represent, the Wesleyan Methodists, hold the opinion that the person officiating at the ceremony should be considered a sufficient guarantee of the regularity of the ceremony and of the transactions without any additional representative of the civil power in the shape of a registrar?—That is our view.

1131. And the church government, as you described it, of your body is such that the regulations appointing any laymen outside of the ministers, would be sufficiently stringent and regular to secure that there should be no appointment except of such men as were able to carry out the duties of the office with correctness and accuracy?—I think our regulations are sufficient.

1132. In fact you would not have attached to the religious ceremony any representative of the civil power; but you would not object, and the men whom you represent would not object, to marriages before a registrar in his own office?—No; we would leave those as they are.

1133. But you feel that your religious ceremony carried out by a regularly appointed minister or other substitute should be held sufficient? —Yes, and should be held to be *the* marriage itself.

1134. Now, you have said just now that each sect in your judgment should be empowered to make regulations as to who should be appointed to carry out marriage ceremonies in connection with their places of worship?—I think it would be safe to leave it to them.

1135. What is your idea as to the ultimate authority which should decide as to whether they were fit and appropriate persons, in other words would you have them registered?—No, not for that particular purpose.

1136. You would not have them registered, but what regulation do you think would be necessary; or do you think any regulation at all would be necessary?—I think each religious sect or church might be safely left to make its own regulations.

Mr. *Oldroyd*—continued.

1137. Do you apprehend any difficulty in deciding what is a religious sect, or how far it would have to go; are there not religious organisations or *quasi* religious organisations whom it would be very difficult to define and to whom it would be rather critical to give the power of nominating individuals for this purpose? —I can conceive that to be possible.

1138. But apart from that, you think that the regularly instituted Nonconformist sects would make satisfactory arrangements for the appointment of proper persons to carry out the duty?—Yes, I have every confidence that they would do so, because I know of no religious body which does not regard the marriage tie as a very serious and sanctified one.

Mr. *Powell-Williams.*

1139. The contract is the marriage, is it not? —The marriage is a contract.

1140. I meant it the other way; I am putting it to you as a lawyer?

Chairman.] Independent of statute, do you mean?

Mr. *Powell-Williams.*] Yes.

Witness.] I do not know. I should say myself that marriage is a status resulting from a contract. The only definition of marriage that I have been able to find is one of Portalis, the French jurist, the only really good one, and that is not exactly a definition, and is as follows: "La société de l'homme et de la femme qui s'unissent pour perpetuer leur espèce, pour s'aider par des secours mutuels, à porter les poids de la vie et pour partager leur commune destinée."

1141. All registration is directed to the registration of a contract, is it not?—That is so.

1142. That would, therefore, rather imply that the contract is the marriage. I do not want to press you upon the legal point, but let us assume that the contract is the marriage. Now let me take you a little further; assuming, as a lawyer, that that is so, taking the tendency of the distinction between the marriage ceremony in the case of a Nonconformist, and the marriage ceremony in the case of a churchman, does it not look rather like the difference between a civil contract in one case and a religious contract in the other; have you considered that?—I scarcely apprehend your meaning.

1143. What I mean is this: in the case of a Nonconformist marriage the registrar must be present?—Yes.

1144. And no marriage can take place unless he is present?—That is so.

1145. And he is present there to hear the words of the contract?—Yes, the words which the law decides constitute the contract.

1146. Can that be anything more or less than the registration of a civil contract; it is a civil matter?—It is a civil matter.

1147. In the other case where no official of the State is required to be present, it might assume, might it not, the condition of a religious contract?—A religious contract which the State

Mr. *Powell-Williams*—continued.

recognises as a civil contract, and for that purpose the clergyman is an officer of the State.

1148. He is an officer of the State with regard to the civil contract in this case you think?—Yes.

1149. Then I take it you would say that there is no legal basis under the assertion we have heard of in the evidence that people say, "I shall go to be married by the clergyman of the Church of England, because you, the Nonconformist clergyman, cannot marry me?"—I think there is every reason why that should be considered a grievance.

1150. I know it is a grievance; but there is no legal basis underneath it?—Do I understand you to mean that the Nonconformist minister does not marry the parties?

1151. Yes?—No; the presence of the minister is absolutely essential in a Nonconformist chapel.

1152. Is that so?—I mean the presence of an officiating person.

1153. Supposing, for instance, in a chapel you were to require the presence of the registrar simply to hear the statutory words without reference to any religious ceremony or without any religious ceremony taking place, would not that be a marriage without a minister?—I think it would be sufficient if the registrar were there, and the place were duly licensed.

1154. Then the minister in the one case is not necessary?—I do not think he would be.

1155. Then my point is this: that you see the law in the one case recognises the sacred office of the clergyman, and in the other case it does not?—Yes.

1156. And that is the essence of the grievance?—That is the essence of the grievance.

1157. That is exactly what I wanted to get out. Then there is only one other matter I want to ask you about, and that is in relation to the other sects?—Excuse me for interrupting. Section 20 says; "According to such form and ceremony as they may see fit to adopt." I suppose they could adopt no form of ceremony at all, and just use the words specified in that section.

1158. You have spoken mainly, of course, as a member of the Methodist body, and from your knowledge of that body specially?—Yes.

1159. But you are aware, no doubt, that there are all sorts of sporadic sects which do not appoint an ordained ministry?—Yes.

1160. I think that is the case amongst others with the Plymouth Brethren, is it not?—I believe it is.

1161. What regulations should you propose in such cases in relation to the person officiating at the ceremony who was to complete the certificate?—Well, if the Plymouth Brethren have a sufficient church organization to deal with the matter, I should leave it to that church organization.

1162. That is to say (putting the Plymouth Brethren out of question for a moment) you would allow a church that has an organisation to appoint a person to perform marriage ceremonies?—That would be a sufficient safeguard.

1163. But assume a case where the church has no organisation, and where it practically centres round one man (there are plenty of Nonconformist churches that do); what would you say there?—You mean how would you provide for such a case in a Bill.

Mr. *Powell-Williams*—continued.

1164. How would you provide that there should be a sufficient qualification on the part of the person officiating at the ceremony to fill up the necessary particulars?—If such a case arose, of course it would have to be treated on its own merits.

1165. Yes; but I put it to you that it necessarily arises from the fact that there are many sects which have no organisation?—I cannot understand a sect without an organisation.

1166. I could give you instances of it. However, I may take it from you that you consider it would be necessary in all cases to see that the person officiating at the ceremony, and being the proper person to fill up the certificate, should be qualified by education to properly perform that office?—I think he ought to be.

Mr. *Carvell Williams.*

1167. I wish to call your attention to an official volume entitled, "Regulations for the Duties of Registrars of Marriages, and their Deputies, made and approved in pursuance of The Registration and Marriage Acts, 1836 to 1872." On pages 44 and 45, instructions are given to the registrar as to the mode in which he is to register the marriages, and there is this passage: "The line commencing, 'Married in the' must, if the marriage has been solemnized in a registered building according to the rites and ceremonies of any religious sect or community, be filled up thus:—'Married in the *Wesleyan Chapel, Vauxhall Walk*, according to the rites and ceremonies of the *Wesleyan Methodists*, by *Certificate* [or, *License*], by me'; and the minister must be requested to write his name and designation, thus:—'*John Wilson, Minister.*'" In the light of that instruction, are you still of opinion that it is the registrar who marries the parties, and not the minister?—I have not said that the registrar marries the parties, and not the minister. I think the minister marries the parties so far as the performance of the ceremony is concerned, but that the attendance of the registrar is an absolute essential. My point is this, that the parties choose, under section 20, that they will be married in accordance with the forms and ceremonies of the Wesleyan Church, and therefore, under that section, that is part of their marriage; those forms and ceremonies are part of their marriage, under that section.

1168. Are you aware that Nonconformist ministers are sometimes taunted with the fact that it is not they who marry the parties, but the registrar; that, as I understand, is not your opinion?—I think they are very often taunted with that fact; and I think that you would have very great difficulty in inducing any ordinary person to believe that it was the minister who married them really since he knows the registrar must be there.

1169. But, nevertheless, you do not think the taunt is justified by the fact?—I think the state of the law justifies the taunt, certainly.

1170. Is

Mr. *Picton.*

1170. Is it not a fact that the Church clergyman represents the State as well as the Church?—That is so.

1171. The Nonconformist minister only represents the Church, not the State?—Yes; that is so.

1172. You would have him to represent the State as well as the Church equally with the clergymen of the Church of England?—Yes, at the service.

Mr. *Jordan.*

1173. Do I rightly understand you to say that Nonconformist marriages in many cases are solemnized on Sundays?—Yes, certainly.

Chairman.

1174. Just one question: as a matter of fact, although the minister is supposed to say that the marriage has been solemnized by him, and it is in a certain way; yet as a lawyer, and in the real truth of things, is not the contract of marriage made by the parties themselves?—Yes.

Chairman—continued.

1175. Nobody marries them; they marry each other by uttering the words, "I, John, take thee, Jane"; "I, Jane, take thee, John"?—That is the marriage. The parties marry each other.

Mr. *Picton.*

1176. Do you know that that is the doctrine of the Roman Catholic Church?—I was not aware of that.

1177. Do you know that the Sacrament of Marriage is an exception in that Church to all other sacraments, inasmuch as it is performed, not by the priests, but by the parties themselves, and that the priest is there as a competent witness?—Yes, and as the minister of God.

Friday, 16th June 1893.

MEMBERS PRESENT:

Mr. Jordan.
Sir John Kennaway.
Mr. Oldroyd.
Mr. Perks.
Mr. Picton.
Sir Francis Powell.
Mr. Carvell Williams.
Mr. Powell Williams.
Mr. Waddy.

MR. WADDY, IN THE CHAIR.

Mr. ROBERT EDWIN MATHESON, called in; and Examined.

Chairman.

1178. YOU, I believe, hold the positions of Secretary to the General Register Office, and Assistant Registrar General for Ireland?—I do. I hold the position of Secretary to the General Register Office and am Assistant Registrar General for Ireland. I have been employed in that department for 30 years. I am also a member of the Irish Bar, and act as legal adviser to the Registrar General in ordinary cases.

1179. You have, I believe, given special attention to the question of the Irish marriage law, and, I think, you have written a digest which is the text-book used throughout the registration service?—I have.

1180. And which is now, I believe, in the hands of the Committee?—I believe so.

1181. Now, the marriage law of Ireland, as it now exists, is, I think, based on statute?—It is. The Marriage Act of 1844 was passed in consequence of the decision in the case of the Queen *v.* Millis. In that case the House of Lords decided that by the common law the presence of a clergyman in holy orders, either of the Roman Catholic or of a Protestant Episcopal Church, at the time of solemnisation was essential to the valid constitution of the contract of marriage; but a marriage solemnised by any such clergyman, whether publicly or privately, at whatever time or place, and in whatever form or manner (between parties competent to intermarry), was valid without any previous publication of banns, licence, notice, residence, or consent: thus affecting the validity of marriages solemnized by Protestant Nonconformist ministers.

Mr. *Perks.*

1182. May I ask why in 1844 it was held that marriages that had taken place in the then Established Church of Ireland were valid having been solemnised in the presence of the clergy, and also that marriages which had taken place in the presence of the Roman Catholic clergy were valid; was the latter pursuant to statute, or some recognition of the Roman Catholic ecclesiastical law?—Under the common law. I had better refer you to the authority.

Mr. *Perks*—continued.

1183. I will not trouble you to go into a lengthy disquisition on the subject?—Of course, it is a matter beyond my official duty. It is a matter resting on the decision of the House of Lords. You know the report of Lord Chelmsford's Commission, and you will see that there is a paragraph there at page 12; if you look at the last paragraph but one you will see it there.

Chairman.

1184. Now, I think the important question is, How does the law now stand at this moment with regard to marriages in the various religious bodies in Ireland?—Before I answer your question, perhaps I may say that the statute that has been already referred to of 7 and 8 Vict, c. 81, forms the basis of the present legislation regarding marriages in Ireland, and that it has subsequently been amended.

1185. Will you give us, if you please, a list of the amending statutes since the Act of 1844, which, as I understand, is the basis of all?—The 7th and 8th Vict. (that is the Act of 1844) has been amended or affected by the following statutes: 9 and 10 Vict., c. 72; 19 and 20 Vict., c. 119; 26 Vict., c. 27; 26 and 27 Vict., c. 90; 33 and 34 Vict., c. 110; 34 and 35 Vict., c. 49; 23 Vict., c. 18; that is a little Act which refers to the Society of Friends; and 35 Vict., c. 10; both those Acts are read together, 23 of Vict. and 35 of Vict. Then 36 Vict., c. 16, and 49 and 50 Vict., c. 27; that is not a mariage Act; but an Act for the Guardianship of Infants which affects the question of consent in the case of minors. The consent is now regulated by the provisions of that Act for the Guardianship of Infants.

Mr. *Perks.*

1186. What is the one that refers to Methodists in Ireland?—The 34th and 35th Vict., c. 49, sec. 21; there is a special clause in that Act about Methodist special licenses.

Chairman.

1187. One of the members of the Committee wants to know, if it would not involve too many explanations,

Chairman—continued.

explanations, how is it that there have been so many amending Acts passed of an Act passed in 1844, on such a subject as marriage?—I think I can best answer your question by stating the subjects of the several Acts. 9 and 10 Vict., and 19 and 20 Vict. relate to marriages where one party resides in England or Scotland. That was not provided for in the Act of 1844, the 7th and 8th Vict. Then the 26th Vict., c. 27, is the Act which provided that the Nonconformist Protestant Clergy should be relieved of the attendance of the registrar at their marriages, and that they should receive books from the Registrar General, and be treated in other respects like the clergy of the then Established Church. Then the 26th and 27th Vict., c. 90, is the Roman Catholic Marriage Act. It provided a system for the Registration of marriages celebrated by the Roman Catholic clergy. Then the 33rd and 34th Vict., c. 110, was rendered necessary by the passing of the Irish Church Act. It was necessary to make provision for the marriages in the Church of Ireland, as disestablished, in consequence of the passing of the Irish Church Act. The first part of the Act up to Section 20 relates to matrimonial causes, and affects the Court of Probate; the second part deals with the question of marriage. The 34 and 35 Vict., c. 49, is an Act amending that of the 33rd and 34th Vict., c. 110, giving further power to licensers of the Church of Ireland, and also providing for the appointment of licensers for the Roman Catholic Church, as well as other matters. The next Acts are two Acts relating to the Society of Friends, to facilitate the cases where parties did not actually belong to the Society of Friends, but professed with them. And the 36 Vict., c. 16, is also comparatively unimportant; it was intended to provide for a religious body who were not Roman Catholics, and did not describe themselves as Protestants. The Act of the 26 Vict., c. 27, contained the term "Protestant Christians," and, therefore, it was considered that that Act did not apply to persons who, though not Roman Catholics, did not describe themselves as Protestants; and that Act was brought in to provide for a religious body in that position. The last of these Acts is not a Marriage Act, but one for the Guardianship of Infants; it regulates the persons who are by law qualified to give consent in cases of minors.

1188. Now, will you give us, as concisely as you can, the existing state of the law with regard to the present existing denominations?—The following is the position in which the law stands at present with regard to the various religious bodies in Ireland: First, with regard to marriages according to the rights and ceremonies of the Roman Catholic Church. With reference to the certification of buildings, Roman Catholic Churches in Ireland are not required to be certified or registered in order to the solemnisation of marriages therein. Then with reference to the appointment of licensers, the Roman Catholic bishops are empowered to appoint licensers to issue licences in cases of mixed marriages. They are not required to notify these appointments to the Registrar-General; the licensers are not required to enter into any bonds for the proper

Chairman—continued.

discharge of their duties, nor are any forms prescribed by the Statute for use in such cases. Now, as regards the modes of procedure and preliminaries to marriage in the cases of Roman Catholics. Marriages, according to the rites and ceremonies of the Roman Catholic Church, may be solemnized (1) by Episcopal licence; (2) after publication of banns: (3) by licence; or (4) upon production of a registrar's certificate.

Sir *Francis Powell.*

1189. By license given by whom?—By an officer or clergyman appointed by the bishop. The bishop of each diocese has got power under Section 25 of 34 and 35 Vict. c. 49, to appoint licensers for his diocese. With regard to marriages by episcopal license, or after publication of banns, the proceedings in these cases are regulated by the law of the Roman Catholic Church. Both parties must be Roman Catholics. Then, as to marriage by license. Every bishop of the Roman Catholic Church may, by writing under his hand, nominate persons to issue licenses for marriage. One of the parties must be a Roman Catholic. When only one of the parties is a Roman Catholic, notice in writing must be given by one of the parties to the person empowered to issue licenses seven days before the license shall issue; and the person receiving such notice must forthwith send by post a copy thereof to the clergymen officiating at the places of worship where the parties intending marriage have been in the habit of attending.

1190. Without your continuing to read the memorandum that you have before you *seriatim*, I will direct your attention to two or three of the matters most important to us: first with reference to the Act, 26 Vict. c. 27; by that Act are Roman Catholics and Protestant dissenters put upon the same, or a different footing, with regard to marriage?—The Act has nothing to say to Roman Catholics at all; it has no reference to them.

1191. Is there, in your opinion, any reason why there should be any distinction between Roman Catholics and Protestant dissenters in Ireland?—Might I say that we have not got such a thing as dissenters in Ireland; there being now no standard of conformity.

1192. But you know whom we mean by Protestant dissenters. I am speaking of Presbyterians, Methodists, and Congregationalists; is there any reason, in your opinion, why there should be any difference between the statutable requirements with reference to them on the one hand and Roman Catholics on the other?—I do not see any reason why there should be a difference between any of the religious bodies in Ireland.

1193. Now, you told us a moment ago that with regard to Roman Catholics, their churches are not required to be certified, or registered, or licensed for the solemnisation of marriages; that is so?—It is so.

1194. Does the freedom from any such necessity act well or ill in Ireland?—That is rather a difficult question for me to answer. I am not authorised to speak for them. I do not really know; but the fact is that they are not registered or licensed or certified in any way by the State.

1195. But

Sir *Francis Powell*—continued.

1195. But we want to go one step further; having got an instance in which there is no such requirement, I want you to tell me whether, as a matter of your experience, the abandonment of that requirement has done any injury, or worked any harm?—It has never been a requirement.

1196. And not having been a requirement, has any evil flowed from the freedom from it?—I am not aware of any.

1197. You know, of course, that in England we have such licenses?—Yes.

1198. That being so with reference to the licensing of places, I will now come to the licensing of persons. The Roman Catholic bishops appoint licensers to issue licenses in cases of mixed marriages?—They have statutory power to do so.

1199. Those persons are not, except so far as anybody obeying a statute may be said to be so, creatures of the State; they are not the creatures of the State in any other form?—They are subject to no State control.

1200. Has that freedom, as far as you know, worked well or ill?—That is a question of policy.

1201. I want to know whether, to your knowledge, any mischief or evil has flowed from that state of things?—No, I am not aware that there has.

1202. Now, with regard to the registrar, is it the fact that where there is a marriage celebrated by a Roman Catholic clergyman in Ireland the presence of the registrar, or his intervention as a registrar, is not required?—In no case is the presence of a registrar required in Ireland at a marriage solemnised by the Roman Catholic clergy. In certain cases his authority for the marriage, that is his certificate, may be acted on by a Roman Catholic clergyman.

1203. As far as you know, has any mischief flowed from the non-attendance of the registrar at the marriage?—I am not aware of any. If it is a question of registration that you want to get at, I have a very strong opinion on that subject.

1204. What I am asking at the present moment is, whether any mischief whatever has flowed and become a matter of public notoriety, one of which you are aware, from the fact that the registrar is not called upon to attend at the marriage?—I am not aware of any.

1205. Now, it is only fair to your evidence that you should fill up the answer that you partly gave, that you have a very strong opinion upon some points in connection with that; what is it?—The point on which I have the strong opinion is this, that the system for the registration of Roman Catholic marriages is very unsatisfactory.

1206. As a question of registration?—As a question of registration.

1207. But you are not aware of any cases in which there have been injuries or mischiefs arising from it; such cases as have been called here bogus marriages, or deceptions of any kind practised?—There have been some few cases brought under the notice of the Registrar-General for Ireland in which the legal requirements were alleged not to have been observed.

1208. Of what?—Of persons, minors alleged to have been married by Roman Catholic clergymen without the requisite consent.

Sir *Francis Powell*—continued.

1209. Requisite consent by whom; by the parents, I suppose, you mean?—By the parents. A few; just one or two. I have one case here in my bag.

1210. Is that all that you can remember? I will come to the question of registration separately afterwards.—Yes.

Mr. *Carvell Williams.*

1211. These were not cases of fraud?—No; cases where it was alleged (I do not know with what truth) that a marriage had taken place of a minor without the requisite consent.

Chairman.

1212. Now that being all that you have heard of, about how many cases have you heard of in the whole of your experience of 30 years?—It would only have been since the passing of the 34 and 35 Vict. If you were to say two or three cases it would be correct.

1213. In 23 years?—Yes. And, please observe, I do not pronounce anything about it; I merely say that these cases have been alleged.

1214. But, as a matter of fact, the extreme outside appears to be two or three cases in the course of 23 years?—Yes; that have been officially reported, brought under the notice of the Registrar-General. Alleged cases, that is.

1215. Now with regard to other denominations, with regard to the Presbyterians, is there any difference in principle between the law applying to the Roman Catholics and that which applies to the Presbyterians in connection with the subject of marriage?—The arrangement for the two bodies are altogether different.

1216. Take, for instance, the certification of buildings. The machinery, of course, is different in the Presbyterian Church from that in the Roman Catholic Church, which is of an episcopal character; but as the Catholic authorities can certify without the intervention of the State, can the Presbytery do the same thing?—No; the buildings are certified in the case of the Presbyterians by a licensing minister of the Presbytery to the Registrar-General, and the Registrar-General records them in a book, and the marriages cannot take place until they are so certified in the office of the Registrar-General.

Mr. *Carvell Williams.*

1217. Have any fees to be paid to the Registrar-General in the process?—No; the fee is payable to the Registrar in the case of Presbyterians.

1218. What is the amount?—A pound.

Mr. *Jordan.*

1219. There is no registration fee in the Catholic Church?—There is no State registration required of any kind.

1220. Is there any registration of buildings in the Church of Ireland?—Yes, there is. There is licensing required by the bishop with the approval of the Lord Lieutenant.

1221. No fee?—No, no fee to the Government; no fee prescribed by statute.

Mr. *Perks.*

1222. To anybody?—No, not to anybody.

Chairman.

1223. Now, with regard to the minister, has the minister to be licensed; I am now on the Presbyterians alone? — Yes; the licensing minister is appointed, or nominated, by the presbytery, but his appointment has to be approved by the Lord Lieutenant. That licensing minister is the person who issues licenses for marriages, and also certifies the building.

Sir *Francis Powell.*

1224. This is under the Act of 1844?—Yes, with regard to Presbyterians.

Chairman.

1225. And then, with reference to the leading features of the law on matters of detail, they appear to be very similar between Presbyterians and the Church of Ireland so far as I gather from your memorandum by glancing over it?—No; they are altogether different.

1226. Then, I have misread it?—I only want to know the exceptions as far as they characterise any church from the existing state of things in England, which I have no doubt you know?—I do. Do you mean with regard to the preliminaries for marriage, issuing licenses, or in what stage?

1227. With regard to the marriage ceremony itself. The complaint here is chiefly with regard, rightly or wrongly, to the presence of the registrar at the solemnisation of the marriage. I do not want to wander too far away from that. Whether it is necessitated by any license of the building, or by any license of the clergy, or by the law of the land in regard to marriage itself; I want anything on that point?—As to Roman Catholics, neither the buildings nor the licensers are approved by the State. In the Church of Ireland as disestablished the licensing of the building requires to be approved by the Lord Lieutenant.

1228. And the licenser is who?—The licenser, though appointed by a bishop, before he can issue a license, has to enter into a bond to the Registrar General for 100*l.* for the due discharge of his duty.

1229. Do I rightly understand that he is a clergyman?—In the majority of cases he is a clergyman; some few are not.

Mr. *Jordan.*

1230 And the officiating clergyman, then, is the licenser in the Church of Ireland; is that so?—No. The bishop can appoint one or more licensers for each diocese. He may not be the officiating person; he may issue a license to another person.

Chairman.

1231. Will you continue; you were giving it to us categorically?—I have given you the Roman Catholic Church and the Church of Ireland; now I come to the Presbyterians. The buildings of the Presbyterians have to be certified by the Registrar-General before they can be used for the solemnisation of marriage, and the persons who issue licenses have, though nominated by the Presbytery, to be approved by the Lord Lieutenant. Then with regard to the preliminaries for marriage, there are the greatest differences between the Presbyterian system and others; shall we deal with simply the buildings and the persons first?

Chairman—continued.

1232. I want the buildings and I want the persons who celebrate the marriage; disabilities of the place where; disabilities of the person who?—I have been dealing with the building and the person who is the licenser for the marriage.

1233. But we want to get to the man who performs the ceremony?—In the case of the Roman Catholics there is, of course, no attendance of the registrar. In the case of the Church of Ireland there is no attendance of the registrar; it is the officiating clergyman in each case. In the case, again, of the Presbyterian Church it is simply the officiating clergyman, there is no attendance of the registrar; but in the case of bodies which might have been (before the Church Act) called other Protestant dissenters, such as Methodists, Independents, and Baptists, the registrar's presence up to 1863 was required. It is not now required, but all authority for the marriage must be got from the registrar, and the building must be certified by the Registrar General.

Sir *Francis Powell.*

1234. That is the Act of the 26th of Victoria, the Act of 1863?—Yes.

Chairman.

1235. Now, inasmuch as in Ireland both for the Irish Church as disestablished, and for the Roman Catholic Church, and for what may be called the Dissenters, there is no presence of the registrar required, I ask you have any mischiefs so far as you know, resulted from that freedom?—I am not aware of any.

Mr. *Powell Williams.*

1236. I would like again to ask you, in reference to the statement that you made that the registration of marriages celebrated by the clergy of the Roman Catholic Church is very unsatisfactory; will you be kind enough to say in what particulars it is unsatisfactory?—Well, it is unsatisfactory because it provides a mode of procedure which is liable to a number of accidents which prevent registration.

1237. You say it is a system which provides loopholes for accidents; but, as a matter of fact, does it result in bad registration?—It results in a number of marriages not being registered.

1238. In relation to those that are registered is the registration perfect?—No.

1239. In what particulars is it imperfect?—All sorts of mistakes occur in regard to the registration.

1240. To what do you attribute that, to carelessness?—I attribute it to the fact that the law puts the responsibility of filling up the certificate on the husband.

1241. The law requires the husband to fill up the certificate?—The law requires the husband, previous to the marriage, to get a form of certificate from the registrar; the registrar is bound to fill that form as far as possible, then the husband brings this certificate to the priest, and he

Mr. *Powell Williams*—continued.

he is responsible to get the priest's signature, and to sign it himself, and see that his wife signs it, and get it signed by two witnesses.

1242. Then the fact that the marriage escapes registration is due to default on the part of the husband, or is it on the part of the priest?—The law lays the responsibility on the husband, and it is due to default on his part. The priest has got no statutory responsibility at present, except to put his name to the certificate; but, as a matter of fact, I may say that the priests take a great deal of trouble and have a great deal of trouble with regard to these certificates.

1243. A great deal of voluntary trouble?—A great deal of voluntary trouble.

1244. In that way you mean that the system is imperfect?—I think that any system which requires a certificate to be filled up in that way is unsatisfactory. We have it in another form in the cases of special license certificates under the 34th and 35th Vict., c. 49. One of the last cases I dealt with before I came away from Dublin was a case of a man who had gone off with his wife without filling up any certificate. I do not know what religious body he belonged to, not the Roman Catholic Church; the minister had undertaken to have the certificate filled and forgot all about it, and the parties were all off.

1245. How many systems of marriage in relation to registration exist in Ireland?—There are a number of them, and that was the reason why I put it in this form.

1246. Tell me how many different systems there are in relation to the registration of marriages?—We have registration by register books; that is No. 1.

1247. Perhaps I do not make myself clear. I understand you to say that the system of marriage and the registration of it is different in the Roman Catholic Church from what it is in the Protestant Episcopal Church; different in the Protestant Episcopal Church from what it is with the Presbyterians; and so on?—Not with regard to registration. The Church of Ireland clergy, the Presbyterians, and the other Protestant bodies, such as Methodists, Baptists, and Independents all now have register books; they keep duplicate register books, and enter marriages in them just the same as the Church of England clergy do in this country.

1248. But that is altogether voluntary, is it not?—No; they are responsible to do it under statute. The Act of 1863 put the then Protestant Dissenters in the same position as the Act of 1844 put the Church of Ireland and the Presbyterians.

1249. But that obligation does not fall upon the Roman Catholic clergy?—It does not; there is an entirely different system for them with reference to registration, which is most unsatisfactory.

1250. To go straight to the point, what do you consider yourself, with your knowledge of registration and of the practice appertaining to marriages in Ireland, the ideal and the best system?—I consider that the system of making a record in duplicate register books is the only satisfactory one.

1251. The record to be kept by whom?—The record to be kept by the clergyman.

Mr. *Powell Williams*—continued.

1252. Do you consider that as good as a record kept by an official registrar trained for the purpose, and that being his calling?—We have not practically had any trouble, you know.

1253. Would you mind answering my question. You say that in your opinion the ideal system is that the clergyman should be the registrar, and should keep duplicate books as being the registrar; do you consider that as good a system as the system under which the books would be kept by a person whose occupation it was to register marriages, and other matters and who would therefore have full experience and knowledge on the subject?—I see no objection so far as entering details goes, to the presence of the registrar, but there are other objections.

1254. I am not speaking of the presence of the registrar?—As to the recording by the registrar of the marriage, of course, if he attends he will record what is done there.

1255. I want you to put away from your mind the consideration altogether that in order to carry out that system, the registrar must needs attend. I do not myself consider that that is a necessity; but I bring you back to the real question. Do you not think that the registrar is a better officer for the purpose of registration than the minister of any denomination in the the long run?—He may be as good, but I do not know that he would be better.

1256. In your experience have you had cases where there has been error in the registration as preserved in books kept by the ministers of various denominations in Ireland; have cases of that kind come to your knowledge?—Yes.

1257. In what particulars have there been errors?—Clergymen are liable to make any kind of mistakes, such as unsigned entries and irregularities, for instance, the witnesses' names put in the place of the names of the parties married. But, of course, these mistakes may occur with the registrar too.

1258. General blundering you are talking of?—Accidental errors.

1259. Do you think that they are as likely to occur in the case of a registrar who is subject to the control and supervision of the Superintendent Registrar, and finally of the Registrar General, which is the system we have in England, and who is liable to dismissal for any gross blunder or negligence?—Well, if you will allow me, I will answer it in this way: that we had that system of the registrar attending at all these Protestant dissenting places up to 1863, and the system was then altered, and since it has been altered it has not been found unsatisfactory.

1260. You have no experience in Ireland, I suppose, of ministers of denominations, who are very illiterate persons?—No. I should say it would be a rare occurrence for a regularly ordained minister to be such.

1261. I am not speaking of a regularly ordained minister; there are many Protestant sects in England who do not ordain ministers in the ordinary sense, and set them aside, but they have other occupations besides that of minister; you have no experience in Ireland of ministers of that class?—We have experience of bodies of that kind in Ireland, and in those cases we retain the presence of the registrar, which we have

power

Mr. *Powell Williams*—continued.

power to do. We register their buildings. Now I will take the case of the Christian Brethren, whose principles are pretty well known. They have got no recognised ministers. Their buildings in Ireland are registered under the 7th and 8th Vict., c. 81, for marriage in the presence of the registrar.

1262. You put the registrar in in those cases then on the ground that the minister would not in your judgment be competent satisfactorily to act as registrar?—On the ground that there is no one recognised person responsible for the custody of the books, and so the presence of the registrar is desirable in order to have an authentic record.

1263. Coming to the question of the custody of the books, have you had cases in Ireland where the registers themselves have been mutilated or lost through the want of safe keeping?—We have.

1264. Many cases?—Not many; but we have had cases.

1265. That is a serious business when it happens, surely?—Yes; but I do not know that you would cure that by getting it in the hands of the registrar.

1266. What do you suppose is the proportion of marriages in Ireland that escape registration altogether?—There are no marriages that escape except some of those which are solemnised by the Roman Catholic clergy.

1267. I want to know what is the proportion of them?—Then the question really comes to be this: what is the proportion of Roman Catholic marriages which escape registration, because the others do not. I could not answer that.

1268. What is the number, 10 per cent?—I could not say that; we know there is a deficit.

1269. Do you think it is as much as 10 in every 100 marriages?—No.

1270. Or one?—I could not fix the percentage, because we do not know it.

1271. Then I may take it that in your judgment the system under which the Roman Catholic marriages in Ireland are registered is bad, but the other systems are satisfactory?—Yes; that the supplying of books to what were the Protestant Dissenters, by the Act of 1863, has on the whole worked well; but in the case of those bodies, if one might so call it, without formal or recognised ministers, the meeting-houses are still registered for marriage in the presence of the registrar.

1272. And you do not insist upon the attendance of the registrar except in those cases where you are satisfied that the conditions attaching to the chapel, and possibly the sect, do not admit of the safety of the register?—Yes.

1273. That is the sole motive?—Yes. It is a question of which statute you register them under. If they are registered under the 26th Vict., c. 27, the registry carries the right to solemnise the marriage without the presence of the registrar. If they are registered under the old Act of 1844 (which it has been ruled can still be resorted to if desired), then the presence of the registrar is necessary. What we do is this: we register the buildings in those cases under the Act of 1844.

1274. And your sole motive for resorting to

Mr. *Powell Williams*—continued.

the Act of 1844 is that the place does not afford facilities for the keeping of the register, and not that the person performing the ceremony is not likely to be an efficient registrar?—It is done on the ground that there is no one person in the position of officiating minister as such, who could be held responsible for the custody of the books.

Sir *Francis Powell.*

1275. I believe that the language of the Act of the 26 Vict., c. 27, is this: that the marriages we are dealing with may be solemnised "by a minister of the Church, Denomination, or Body to which the parties to the marriage, or either of them, shall belong." If I rightly gather the purport of your evidence, it is this: that you must have, in order to proceed under this Act, a minister who is recognised?—Yes; there must be a minister, and it must be solemnised by a minister. Of course, that would raise the question at once as to the meaning of the word "minister," whether it means regularly ordained.

1276. Do you find, then, that practically any difficulty arises from this necessity of having an acknowledged minister?—No. We do not find that now. We did find it at first when that Act came in, but in another way. That Act requires a copy of the notice to be sent to the minister of the place of worship, attended by the parties. Well, the question was submitted for legal advice, and it was finally ruled by the Law officers of the Crown that in the case of meetings, such as the Christian Brethren and the Salvation Army, the notice might be addressed in general terms, not to one individual, but to "the minister, the meeting house of the Brethren, or Salvation Army barracks," as the case might be; so that any person then acting in that capacity might take the notice. But, of course, it would be another matter when the responsibility of solemnising the marriage as a minister would be put upon him. There might be a question raised, then, about it; so that we have registered these buildings for marriages in the presence of the registrar; and I think that course has been acquiesced in by the parties concerned.

1277. Then, it comes to this, except you have a minister who is acknowledged in some official manner you, under the present state of the law, marry in the presence of the registrar?—Yes; we register the building under the old Act of 1844, which requires the attendance of the registrar.

1278. I observe in the section which I have just read, "If any person wilfully solemnise a marriage, or pretended marriage, contrary to the present provision, he shall be guilty of felony;" therefore there is a very strong obligation by statute to the careful observance of that section?—Yes.

1279. And I also observe in the same statute that there is a penalty of no less than 40*l.* in case a minister neglects or refuses to register under the Act. I refer to Section 10?—Yes, there is. I am not aware that we ever had any case of the kind.

1280. Does not that fact raise a strong presumption that the law works satisfactorily?—I think it does.

1281. Do you know how many marriages you

Sir *Francis Powell*—continued.

have in Ireland in registrar's offices without any religious ceremony?—Three hundred and ninety-nine.

Mr. *Oldroyd.*

1282. With regard to the Church of Ireland as disestablished, you said that the bishop gave license to certain persons to perform the religious ceremony, and that he was not restricted to the clergy?—I said that he nominated certain persons to issue licenses for marriages, and he is not limited in his nomination to clergymen. These are the licensers who issue the authority for the marriage. Of course the marriage can be performed by any clergyman of the Church.

1283. But the ultimate holder of the license must be a clergyman?—The celebrant of the marriage, yes. Of course the law of the Church requires he must be an ordained clergyman.

1284. In the case of these Roman Catholic marriages to which you have just referred as leading to irregularities where registration fails to be observed, are those marriages illegal in any way?—Registration really means proving a marriage; it does not affect the validity of it.

1285. Then have you had within your knowledge many cases where litigation has ensued, and failure of proof of marriage on account of the absence of registration?—No, I am not aware of any case.

1286. In case of litigation of that character the failure to bring the register would not be vital?—No, it could be proved by witnesses. Might I add as relevant to your question with regard to registration, a case happened just before I left Dublin of a priest who solemnised a marriage; the certificate had not been filled up at the time, and the priest died. There can be no record of that marriage, whereas if it had been made in a duplicate book at the time, of course the record would have been there. The husband failed to produce the certificate to the priest at the time, and the priest did not get it done; he was not bound to do it, but he died before he attached his signature to the certificate.

1287. Is there no means of getting over that; for instance, a re-marriage; would that be contrary to the law of the Church?—That would be a question of Church law, but I do not think they would permit it in the Roman Catholic Church.

1288. You say that, so far as your experience goes, registration by ministers of the various sects is as effectual and accurate as registration by official registrars?—Well, we have a very large number of clergymen and a small number of registrars comparatively, and, therefore, when you are comparing them in the bulk, you are comparing the mistakes of a large body of clergymen with a small body of registrars; but, on the whole, the clergy have done the work satisfactorily.

1289. And in the word "clergy" you include not only ministers of the Church of Ireland, but other sects?—Yes, of the Presbyterians, and of those who got books under the Act of 1863, too.

1290. And you have not come across any cases of illiteracy amongst the ministers which has debarred them from making good entries?—No; they might make a mistake, but that, of

Mr. *Oldroyd*—continued.

course, any one might make in a hurry. On the whole, the system has worked fairly. They give us no trouble.

1291. In the case of these smaller sects, sects without regularly ordained ministers, how do you discriminate in the classification of them?—Well, of course they are only small in number comparatively in Ireland, and the thing was first started in this way: Up to a certain time they were married in the registrar's office by civil marriage; and when this plan of getting their meeting houses registered, and leaving them the privilege of the religious service, subject to the presence of the registrar was brought in, we got a legal opinion with regard to the Act of 1844 being still available if parties wished to have their meeting house registered under that Act; so that we now register them under that Act, where we know that the arrangements of the body are such that there are no regularly appointed officiating persons.

1292. Then you find that practically in these cases the registration of the building is a sufficient guide to you, and leads to a proper registration of the marriage with the additional protection of the attendance of the registrar?—The authority for the marriage is obtained, of course, from the registrar in those cases, just as it is in cases where his attendance at the marriage would not be required.

1293. But in all these cases his attendance is required?—In those cases of these bodies that I have spoken of. I should like to say that that is all very well where there might be one marriage, say once in every six months in a place (there might be three or four such places in Dublin), but supposing it were the case that the registrar's attendance was required at Catholic marriages in Dublin, you would have to have half-a-dozen registrars; you would be celebrating marriages every day. It could not be done, it would cause great inconvenience.

1294. Now, in the case of these smaller sects, and in the case of the larger ones too, what regulation have you with regard to the parties contracting the marriage being communicants, or adherents of that sect?—That question arose on the section that was read just now by the hon. Member: that is, it requires that the marriage should be solemnised by a minister of the denomination to which one of the parties belongs, and the registrar is authorised to make enquiry upon that point as to what the religious profession of the party is.

1295. What I am wanting to get at is the marriage of a man and woman in Ireland who have no religious profession whatever; how would they get married?—They could not get married if they had no religious profession at all, in the Roman Catholic Church; they could not get married in the Church of Ireland, because one of the parties must be a Protestant Episcopalian; they could not get married in the Presbyterian Church, they could not get married in the Methodist Church, or any of what were the Protestant dissenting bodies previous to the disestablishment of the Church; and their only course would be to get married in the office of the registrar. Of course that is intended for that; but a difficulty arises, because a copy of the notice is required

Mr. *Oldroyd*—continued.

required to be sent to the minister of the place of worship attended by the parties. There is a section in the Act of 33 and 34 Vict., c. 110, namely Sec. 41, which provides that where there is not any minister of the church, chapel, or place of worship, which the parties to the marriage, or either of them, usually attend, the notice is to be advertised; and this provision has been extended, under legal advice, to cases where the parties have not attended any place of worship.

1296. Are you aware in your official capacity of any cases where surreptitious or irregular marriages have taken place by people getting married at places of worship where they have not really had communion, or been professed adherents. Do irregularities creep in in the administration and working of that regulation?—No; it would have to be done with the connivance of the minister, and I am not aware of any such cases.

1297. You have found it sufficiently tight?—Yes.

Mr. *Carvell Williams.*

1298. I think you have not described to the Committee, except inferentially, what the marriage registration system of Ireland is. Will you please tell us what are the legal steps that are taken to secure the registration of marriages in connection with the various bodies?—Yes.

Chairman.

1299. It may save time if I put you some questions on that point. In the Church of Ireland the registration of marriages, I believe, is provided for in this fashion: after every office of matrimony the officiating clergyman is required to register the same in the duplicate marriage register books supplied by the Registrar General?—He is.

1300. Presbyterians in the registration of marriage by license or after banns, the officiating minister at every marriage solemnised by license or after publication of banns in any certified Presbyterian meeting-house, is required to register the particulars in the duplicate marriage register books of that meeting-house, the entries being also signed by the parties married and two witnesses?—Yes.

1301. These are the extracts from your *précis* of evidence?—Yes.

1302. In the case of dissenters, the officiating minister is required to register the marriage in duplicate register books provided by the Registrar General immediately after its solemnisation?—Yes, in the case of religious bodies whose buildings are registered under the Act of 1863.

1303. And, I suppose, those register books go to the Registrar General?—No, but certified copies of the entries in them do. At a future stage perhaps you would be so kind as to allow me the opportunity of saying something about the question of quarterly returns.

1304. I do not think that is within our reference?——

Mr. *Carvell Williams.*

1305. In certain cases marriages may take place without the attendance of a registrar. Has any mischief followed as regards registration?—I presume you mean with regard to what you would call in this country Protestant Dissenters—is your question limited to that?

1306. My question applies to all the cases where the attendance of the registrar is dispensed with, and I ask whether evil consequences ensue as regards either the performance of the ceremony, or the registration of the marriage, as far as you know?—As regards those cases in which in Ireland formerly the attendance of the registrar was required, but has been dispensed with, there have been no bad results, so far as I am aware, from the change in the system.

1307. Are all places of worship in which marriages may take place required to be registered for that purpose?—There again if you confine it to what were before 1863 Protestant Dissenters with us, the answer is, yes, they are required to be registered; but, of course, Roman Catholic places of worship are not required to be registered.

1308. And what fees have to be paid?—In the case of registry under the Act of the 26th Vict., c. 27, of the bodies of Protestant Christians, a fee of a pound has to be paid to the Registrar General for the registry. In the case of registry under the 7th and 8th Vict. (the Act of 1844), for marriage in the presence of the registrar a fee of one pound is payable to him.

Mr. *Perks.*

1309. The Act of 1863 which extended the right of marriage in Nonconformist places of worship without the presence of the registrar, I mean to say what we understand here as Nonconformist, has worked in your judgment well?—It has.

1310. And have you found that the registers kept by the various Protestant Dissenters who avail themselves of that Act have been on the whole well kept?—On the whole they have been well kept.

1311. Have you had any cases in connection with their marriages, during the thirty years since that Act has been in force, of what may be called fraudulent or bogus marriages in such churches?—No. I am not aware of one. There have been a few cases where, owing to the closing of churches or chapels, or the difficulty in finding a suitable successor to a man when he has died, their books have got temporarily into unauthorised hands. They have passed into the hands of some person not authorised when there was no official minister there.

1312. But that would, of course, not affect the copies which had been sent to the registrar?—That was the point I raised a minute ago, which the Chairman thought was not within your reference as a Committee.

1313. In the case of a gentleman who was dead you raised it?—Our difficulties with reference to getting these copies have not arisen with regard to the so-called Protestant Dissenters.

Mr. *Perks*—continued.

1314. That is the point I want to bring out?—There has been a serious difficulty in getting the copies in the case of the Church of Ireland, and we have been obliged to proceed within the last few months by *mandamus* in the Court of Queen's Bench, to compel one of these gentlemen to give them to us.

1315. I am not dealing at all with the Church of Ireland or the Roman Catholic Church; they are governed by legislation of old date, and antiquated regulations; I am dealing with the Act of 1863, and am limiting my question now to that Act; and there, no such cases have arisen within your knowledge?—No.

1316. I see that under this Act it is the duty of the minister who solemnizes the marriage to send his return in quarterly?—Yes; to the district registrar, and through him to the Registrar General.

1317. And any *laches* in memory, or carelessness in sending in the return, would therefore, I presume, be largely reduced if he had to send it within seventy-two hours, or three days shorter the period for the minister to send forward his notice; would render less liability, even in their case, I suppose to accidents?—Well, if he made a return from a record made at the time, the reduction of the time would perhaps be an advantage.

1318. I suppose your answer means that it would be so perfect that no improvement could be desired?—If the record is made at the time, the transmission of the quarterly return is pretty sure to be all right.

1319. Now I see from your very interesting little book here, "Digest of the Irish Marriage Law," that the Nonconformist churches in Ireland, even including the Methodist New Connexion, the Baptist Church, the Congregational Union, and the Wesleyan Methodist Church, those four churches they are all able to issue special licenses for marriage?—They are.

1320. Just as a bishop of the Anglican Church in this country can do to-day?—It is the Archbishop of Canterbury only in this country.

1321. Yes. So that that is rather a wide extension of the law?—Yes.

1322. Now on one point, Section 7 of the Marriage Act of 1863. I see there that marriages can only be solemnised "according to the usages of any church, denomination or body, of Protestant Christians"; that is to say, I suppose, that the church has made its own regulations for governing the marriages that take place in its own trust buildings?—Yes; the form of the ceremony is practically left in their hands.

1323. And in your judgment that is a sufficient security for their being properly and legally effected?—We have not found any difficulty on that point.

1324. I see that Sub-section (i) says that these marriages must be solemnised "by a minister of the church, denomination, or body, to which the parties to the marriage, or either of them shall belong." You do not attempt to define a "minister"; I think you said before that you would not attempt to define what was meant by that phrase "minister"; for example, whom would you consider the minister of the Salvation Army Barracks; you leave it to the parties?—That is a border question with regard to the Salvation Army. In some cases the Salvation Army Barracks have been registered under the Act of 1863, but in all recent cases we have registered them under the Act of the 7th and 8th Victoria, on account of the difficulty.

1325. Have you noticed in the scheme embodied in my Bill that it is left optional to the parties to adopt either the provisions of this scheme or, if they choose, to avail themselves of the existing law?—Yes.

1326. That is to say, they can have the registrar if they choose, or dispense with him if they choose?—Yes.

1327. Now if there were likely to be any serious danger in regard to the validity, or the proper registration of marriage, I suppose the parties would avail themselves in your judgment of the old procedure, if there were any material danger. I am speaking now specifically of the Irish law; do you find in Nonconformist churches that the Nonconformists are afraid of putting into use the Act of 1863?—Not at all. As a matter of fact the registrar never attends.

1328. In fact the Protestant dissenters use this almost universally?—I think I may say that they use it universally.

1329. And there is no fear in their minds of its not being a valid marriage, or of its not being properly registered, or the minister not discharging his duty?—Not the smallest, as far as I am aware.

1330. Have you ever heard it suggested that there should be a universal system in Ireland bringing in the registrar as a civil officer into every marriage?—I have heard it suggested, but there might be, I understand, religious difficulties in connection with such a proposal.

1331. Do you know the secretary of the Wesleyan Conference, and the president of the Wesleyan Conference in Ireland, the Rev. Wallace MacMullen?—I do know him personally; he is a friend of mine.

1332. I am glad to hear it. Might I ask you whether you agree with his remark, when, speaking of 1863, he says, "I had a good deal to do with the agitation of the question [in 1863] on this side of the water. I should then have much desired a simple and uniform law affecting the United Kingdom, and affecting all creeds and classes alike. I should desire that still, but I fear there is no hope of obtaining it. If any legislation were attempted on the wide scale we should be irreconcilably opposed to any attempt to make the presence of the registrar compulsory on all classes or on any. I could scarce credit it when I learned that some of your legislators proposed this as a remedy for the inequalities of the present law. This would be levelling down with a vengeance." Do you think that that accurately represents the views of the Irish Methodists?—Dr. MacMullen would be a much better authority on that subject than I would, and I should say that, holding the position he does with regard to Irish Methodists, he would be a very good authority indeed as to the views of the body generally.

1333. You

Mr. *Perks*—continued.

1333. You know that in this country Nonconformist places of worship are registered for religious worship?—I am aware of that.

1334. And, in addition to that, they have to be licensed on payment of a fee of 3*l.* for the license for marriage; it is a separate thing altogether?—Yes.

1335. In Ireland, in the Nonconformist chapels is the 1*l.* licence fee for effecting marriages in the chapel in addition to the 1*l.* fee for registering them as places of worship?—We have no statutory provision for the registration of places of worship; the registration is solely for the solemnisation of marriage.

1336. Then a man may put up a building for religious worship without any State fee being paid at all?—He can.

1337. And have no registration as a place of worship?—No; that is under an Act of William IV., I think it is, in England, but we have no such provision in Ireland.

1338. You simply pay the 1*l.* I think, under this Act of 1863, ten householders can require a place of worship to be licensed as a place within which marriages may be solemnised?—Yes, if the certificate be countersigned by the officiating minister, trustee, or owner.

1339. So that it really comes to this: whenever ten persons in a village or town require, they can, on payment of a 1*l.* fee, get their chapel licensed as a place in which marriages can be solemnised?—Yes, they can; but it must be used for a year as a place of worship before the registration of the building can be effected.

Mr. *Jordan.*

1340. Do you consider that the Act of 1863 was a liberating Act for the Nonconformists in Ireland with regard to marriages?—It liberated them from the attendance of the registrar.

1341. Do you consider that the passing of that Act has had a beneficial and satisfactory result in Ireland?—I do.

1342. I need scarcely ask you, did you belong to the Registrars' Department before the exclusion of the registrar from Nonconformist places of worship?—I did for a short time.

1343. From your experience, do you know of your own knowledge that there was dissatisfaction then among the Nonconformists in relation to the registrars being present at marriages?—I am aware that there was.

1344. From your knowledge, is the present state of the marriage law, or the performance of marriages in Ireland, satisfactory to all the parties concerned; does it give satisfaction to all parties?—You are of course dealing with the Act of 1863, which liberated them from the attendance of the registrars; you are dealing with those bodies which now have power to proceed without the registrar?

1345. Yes?—Yes. I think it does give satisfaction.

1346. And to the Roman Catholics, and to the Church of Ireland, is it satisfactory also?—I would not like to answer for that.

1347. You hear no complaints?—I believe, as far as I know, that the Act, is satisfactory to what were before the passing of the Church Act,

Mr. *Jordan*—continued.

Protestant dissenters; that their relief from the attendance of the registrar was a satisfactory provision.

1348. You are a registration officer; from a registration point of view is the present mode of registration in non-episcopal bodies in Ireland, satisfactory; that is to say, Presbyterians and Methodists?—You mean by registration the recording of the marriage?

1349. Yes?—Yes; I think so,

1350. Is the registration of births and deaths connected with your department?—It is.

1351. Is that conducted satisfactorily and correctly?—It is conducted under an entirely different system by entirely different officers.

1352. But it is conducted by your department?—Yes.

1353. You have control of that?—Yes.

1354. And it is done satisfactority?—Yes, it is done satisfactorily, on the whole.

1355. That is without any presence of the registrar at the birth or at the death. In reference to the defects in the registration by Roman Catholics; would you suggest any remedy, and if you did, what would it be?—That is rather a difficult question to answer, because it involves the question of religious opinions, and I do not know how this question would be viewed by the Roman Catholics.

1356. But irrespective of how they would view it, as a matter of right could you suggest a remedy?—Apart from any religious difficulties that might exist, I think a uniform registration by duplicate register books kept by the clergy would be the most satisfactory system, such as are kept in the Church of Ireland, the Presbyterian Church, and the other Protestant bodies under the Act of 1863.

1357. Would you favour the infliction of a fine in all cases of neglect to register and furnish duplicates to the registrar?—I certainly think there ought to be a penalty attached, and a severe penalty, to non-registration on the part of the person whose duty it is to register.

1358. In any church?—In any church; because otherwise you could not be sure of getting the thing done. And there ought also to be a penalty for the non-transmission of the quarterly return, because that secures the State record of it in the Registrar General's office. The quarterly return is really the securing of a State record of the act.

1359. From your experience, do you consider it essentially necessary to a correct registration of marriages that the public registrar should be present at the celebration of the marriage?—I do not.

1360. If you offered an opinion would it be in favour of conforming the law in England in relation to Nonconformist bodies to the law as now existing in Ireland?—As you have asked me to offer an opinion, I do not see any reason why the Nonconformists in England should not have the same power as the corresponding bodies in Ireland.

1361. The tendency of your mind would be that the law in England so far as Nonconformist bodies are concerned, should be on the lines of the law in Ireland in relation to nonconforming

Mr. *Jordan*—continued.

bodies?—I see no reason why the English Nonconformists should not have the privileges enjoyed by similar bodies in Ireland.

1362. Do you think that registration in Ireland by ministers of the Nonconformist bodies is now performed as satisfactorily as it was done by the registrars before 1863?—Yes, I have no reason to think that there is any serious defect in the registration of marriages under the Act of 1863 by the officiating ministers of these sects.

1363. Then I am to gather from your answer that you consider that registration in Ireland is as perfectly performed at any rate, to say the least of it, under the present mode as it was when performed by the registrars before 1863?—Yes, where duplicate books are kept by the clergy.

1364. In any cases?—With regard to Roman Catholics, I have already stated that the system of registration is altogether unsatisfactory.

1365. If it were proposed to have a uniform practice in relation to marriages by introducing the registrar to all marriages, do you think that would be satisfactory in Ireland?—I do not think it would be satisfactory. I think it would be regarded as very unsatisfactory.

1366. Do you think you could get the people in Ireland (Catholics, Church, and Nonconformists) to adopt it?—I am certain that there would be the most strenuous opposition to any such proposal.

Mr. *Picton.*

1367. You spoke just now of marriages taking place in the Salvation Army barracks. Do such cases occur in Ireland?—Yes.

1368. Are those barracks licensed for marriages then?—Yes.

1369. Does the registrar attend there?—In some cases he does.

1370. In what cases does he not attend?—Well, I previously stated in answer to a question of an honourable member that some of the Salvation Army barracks were registered under the Act of 1863, on the application of the Salvation Army officer; but that latterly these buildings have been registered under the Act of 1844, as we considered that a safer course.

1371. Why did you consider it a safer course?—Because a case came under my notice personally of a building registered under the Act of 1863, and the returns were in arrear; and I went to try and get the returns. I found the building all shut up, and I could not find any person responsible for these returns; and I came to the conclusion that to put the books in custody in such a place, and without any legal custodian responsible for them, was to say the least, very hazardous; so that since that occurrence we have asked to have the buildings registered under the Act of 1863.

1372. What was the effect of registering them under the Act of 1844?—The effect was that the presence of the registrar was necessary, and the record of the marriage was entered in his books.

1373. Now, let us leave the Salvation Army,

Mr. *Picton*—continued.

and take the case of the Wesleyans. Do laymen among the Wesleyans celebrate marriages in Ireland?—I believe not; but I cannot state that from my own personal knowledge.

1374. But is it possible under the law; can a layman in a Wesleyan Chapel celebrate a marriage and register it?—He must be an officiating minister of the body; but what constitutes an officiating minister of the body is a question for the authorities of the Wesleyan Church.

1375. I understand that; but I take it that in all cases of marriage the officiating minister must be a recognised minister of the body?—He must be a minister of the church or denomination to which the parties, or either of them, belong.

1376. Is his name given in to the registrar before the marriage?—No.

1377. Is it mentioned on the form of license?—No.

Mr. *Perks.*

1378. I think the registrar posts the notice; he does not hand it to the people intending to be married, but he posts it to the minister. My honourable friend is right in saying that it goes into the hand of the minister?—Yes. The notice would be sent to the regular officiating minister of the place; but it would not follow that he would be the person to solemnise the marriage.

Mr. *Picton.*

1379. Now tell me what is to be done in case there is no regular minister of the place where the marriage is to be celebrated?—It would, in that case, be publicly advertised. The Law Officers of the Crown have ruled that where there is no minister of the church at which the parties attend, the notice is to be publicly advertised in the manner pointed out in Section 41 of the 33 & 34 Vict., c. 110.

1380. But the marriage would take place there all the same?—It would.

1381. Would the registrar go there in that case if there is no regular officiating minister?—No; he would not. Of course, there would have to be an officiating minister under the Act of 1863; but there might be no particular officiating minister of the church; there might be some other member of the body.

1382. Are there any means to secure that the person celebrating the marriage shall be a regularly recognised minister of the denomination?—The law requires it.

1383. But is the law enforced?—I have no reason to think that there is any infringement of the law.

1384. Suppose any layman takes his place?—Take the case of the Methodists. I think that there are certain formal steps to be gone through in order to obtain admission to the ministry.

1385. Then may I take it in this way: that unless there is a recognised minister of the denomination to celebrate the marriage the registrar must be present?—Under the Act of 1863 a marriage could not take place in a building registered under that Act, unless by an officiating minister of that body.

1386. Is an officiating minister, that is to say a regularly

Mr. *Picton*—continued.

a regularly recognised officiating minister, necessary to make the marriage valid in law?—Yes, in the case of a marriage solemnised under the Act of 1863.

1387. Have you seen a return made to the House of Commons for the year 1891, of errors occurring on the certified copies of registers of marriages deposited with the Registrar-General by clergy of the Established Church in England?—I have not.

1388. Let me call your attention to certain things in it; I want to compare them with your experience. In the course of that year there were 71 entries unsigned by the persons married, or by one of them; now, leaving out of view Roman Catholic marriages, what is your experience as to such omissions in regard to Presbyterians or the Protestant Church of Ireland?—Occasionally entries are left without signature.

1389. Unsigned by the persons married, or by one of them?—That is a very rare case. Sometimes we have entries unsigned by the officiating clergyman.

1390. Will you take that (*handing the return to the witness*) in your hands; I am asking you about the first there, "Entries unsigned by the persons married or by one of them"; now, what is your experience as to the number of such omissions in your registers, omitting altogether the Roman Catholics I mean?—They are not frequent.

1391. But they do occur?—They may occasionally occur, but I cannot answer the question now with accuracy.

1392. Are such cases reported to you when they do occur?—They would probably be discovered in the office, and we would probably be the first to find them out by the omission in the certified copies.

1393. Do you examine these books of registers at all?—No; but we examine the copies minutely.

1394. Look at No. 2 of that return; there are 137 "Entries unsigned by the witnesses of the marriage, or signed by only one such witness"; what is your experience of such errors?—Those cases occur occasionally in Ireland, too.

1395. "Entries unsigned by the clergyman officiating at the marriage"; do you get those?—Yes, they occur occasionally too. In one case, and it is the most serious case that I remember, there were 50 entries found to be unsigned; those 50 entries were found unsigned at the death of a minister, although, from the certified copies, the entries appeared to be all right.

1396. Then, will you take No. 4, "Signatures in the spaces for bride and bridegroom by persons whose names are not those of the persons purporting to have been married"; have you any of those?—Occasionally.

1397. No. 5, "Entries which do not contain the date of the marriage"; have you none of those?—Yes, we have had those occasionally.

1398. No. 6—"Entries which fail to show the place where the marriage was performed"; are those more frequent?—We have had some of those cases.

1399. Are they more frequent than the others?—That would be leaving out; I could not answer for the actual proportion; the cases do occur.

1400. Now, if the Committee were to wish it, could we see specimens of the duplicate register books?—They can be produced here.

Chairman.

1401. Supposing we take 1891, is there any one book, or any reasonable number of books, which would give to the Committee such light upon this subject as would be valuable?—I wish to explain that we have not got the original books in our office at all; we have only got the certified copies of these books.

1402. That is the same thing for us because they contain the same *lacunæ* and so on as the others?—To bring over the certified copies would be a very formidable thing.

Mr. *Picton.*

1403. After all the non-Episcopal denominations outside the Presbyterians are very few in number; there cannot be many marriages amongst the Wesleyans or the Congregationalists; could we have those, because I understand from you that their books are kept separately; that they have volumes of registry to fill up that are kept at their chapels, and there are certain duplicates; could we have the duplicates of the certified copies for the year 1891, the registers of marriages celebrated amongst the Wesleyans, say, and the Congregationalists?—You could not get them separate for this reason: that though they come into us separately, they are immediately put together and bound. All the marriage returns for one district for one quarter are bound together.

Chairman.

1404. You know probably the return from which, as I understand, Mr. Picton is examining you?—Yes.

1405. Is there any such return as that existing in regard to Ireland or can one be obtained?—It could be obtained, but it would take some time to do it.

1406. I am afraid that you could not get it done by the time within which we hope to report to the House?

Mr. *Picton.*

1407. Could we get specimen books over?—Yes.

1408. We do not want them selected to prove one thing or another; I should only want a few specimen books?—The difficulty of getting the books as bound in the office would be, of course, that the office is one of record and the public might require them for searches, and if they could not get them they might bring an action against the Registrar General.

1409. Where are the duplicates?—The certified copies that are with us are certified copies of the duplicate books which are in the hands of the clergyman or the minister so long as they remain unfilled. When the duplicate book becomes filled, one duplicate remains with the church or

Mr. *Picton*—continued.

the chapel or the meeting-house as the case may be, and the other is sent to the registrar of marriages for the district.

Chairman.

1410. Would you be able to ascertain by your own exertions, or by those of your clerks, with regard to some particular place, shall we say, for instance, Dublin, and one particular section of the Church, call them Methodists, and report to us the state of erroneousness of the whole of the returns of Methodist chapels in Dublin in the year 1891?—There is no difficulty in furnishing a return of that exactly like the return before me on which Mr. Picton has been examining me.

1411. I am afraid that otherwise you would be obliged to take so much time about it that you would be beyond the time when I hope we should be reporting; but that you could do in a short time for Dublin alone and Methodism alone?—Yes; it could be done.

Mr. *Picton.*

1412. Will you add the Congregationalists as well?—Yes.

Chairman.

1213. By which we mean both Independents and Baptists?—There are not many of them in Dublin, if you are limiting it to that area.

Mr. *Picton.*

1414. You said that the system of registration most satisfactory to you was that of sending books to the different Churches and making them keep duplicate registers?—Keep the books in duplicate.

1415. Fill up duplicates immediately after every marriage?—Yes.

1416. That was the most satisfactory system in your mind?—Yes.

1417. Now it has been proposed, as probably you are aware, that instead of having books at the chapels or churches, the particular form of register for that one marriage should be sent to the officiating minister filled up as far as it can be in duplicate; that after the marriage the officiating minister should see to the filling up of the remainder with the signatures of the parties married and the witnesses, and his own signature, and then post one copy in a registered envelope to the registrar. That has been proposed. I want to ask you whether you think that would be a satisfactory register book?—I do not think it would be satisfactory.

1418. What would be your objection to it?—My objection to it would be this: that the matter might be forgotten altogether, and that the officiating minister might perhaps die before the record was made.

1419. You think it would not be so trustworthy?—I do not think it would be satisfactory.

Mr. *Perks.*

1420. Have you read the scheme proposed in my Bill?—I have got a copy of the Bill since I came here.

1421. There is nothing in that Bill that does away with the usage of the churches which requires the keeping of registers in their own

Mr. *Perks*—continued.

vestries under the control of their own denominations. My honourable friend suggests that these things should be filled in and posted away to the registrar, and that then there would be no further record at the church; but that is not the provision in my Bill?—Of course those would be private registers and not State registers that you refer to; they would be private registers kept under the rules of the particular denomination, or not kept, as the case might be.

1422. But in the Irish Act of 1863 there is no statutory obligation to keep a register at the church?—Yes. The duplicate books are supplied by the Registrar General in every one of these cases just the same as in the Church of Ireland and the Presbyterian Church. All the Methodist clergy and Independent clergy have books in precisely the same way as the Church of Ireland and the Presbyterians.

1423. Books which at present in this country the Nonconformist churches have to purchase themselves, and to keep themselves, and in which they enter the various duplicate entries, are in Ireland supplied by the State?—They are; they are State books.

Mr. *Jordan.*

1424. You say you have noticed various errors in the returns. After the quarterly returns can you rectify those errors?—In some cases we can. For instance, in the case of an entry left unsigned, we would get a marginal note put stating that the marriage was solemnised by the person, but that he omitted to attach his signature at the time of registration.

1425. Would you not return it and get it signed?—Yes, but with a note in that case in the margin.

1426. Is not that an argument in your mind that you should have shorter returns than quarterly returns?—Well, the objection that I have to the proposal to send forms and get them filled up in the way proposed in the Bill, was that there was no State registration apparently of the marriage at the time. This document, which it is proposed in this Bill should be made out, would be the only record—the only State record at any rate. Supposing neither of them were filled up, you would have no record at all.

1427. Is there a Registrar-General in Ireland?—There is.

1428. Who?—Dr. Grimshaw is Registrar General, and I am Assistant Registrar General.

Mr. *Carvell Williams.*

1429. You have expressed approval of the duplicate registration system of Ireland, and said that you thought it might be advantageously extended to England; are you aware of these two facts; first that the Nonconformists of England do not wish for any such extension, and next that the Registrar-General's department would very greatly prefer that the registrar should attend everywhere, and would object to the extension of the duplicate marriage registration system?—I am not aware of either of those objections. We have had no communication with the English Registrar-General on the subject.

Tuesday, 20th June 1893.

MEMBERS PRESENT:

Mr. Griffith-Boscawen.
Mr. Jordan.
Sir John Kennaway.
Mr. Oldroyd.
Mr. Perks.
Mr. Picton.
Sir Francis Powell.
Mr. Carvell Williams.
Mr. Powell Williams.

MR. POWELL WILLIAMS, IN THE CHAIR.

Mr. THOMAS TEMPLE, called in; and Examined.

Chairman.

1430. WHAT office do you hold in Scotland?—I am registrar in one of the districts of Edinburgh, the district of St. Giles, which is the central district. There are five district registrars in Edinburgh City; the city is divided into five registration districts, and I hold the central district.

1431. Will you be good enough, as briefly as you can, to explain to us the system in operation in Scotland in relation to the registration of marriages?—I will endeavour to do so. I may mention, to begin with, that prior to 1879 the preliminaries to registration and to marriage were proclamation through the parish church, and it required then a residence of 21 days to form a domicile before the parties intending to contract marriage could give notice to the session clerk for proclamation of banns; but in 1879 the Marriage Notice (Scotland) Act came into operation on the 1st day of January, and people then had the alternative of having proclamation of banns through the church in the parish in which they resided, or publication at the door of the registrar for eight days in the district in which they lived. And I may mention that in my own district (I can only vouch for that), taking the publication at the registrar's office for the district of St. Giles the first three years, that is for 1879, 1880, and 1881, the average was 74. It was something new, and it was not perhaps taken so much advantage of owing to that fact.

1432. But are you telling us the system that is in operation now, or something that has gone out of practice?—They are both in operation now; both the proclamation of banns through the church, and the Marriage Notice Act, are in operation, but the operation of the Marriage Notice Act seemingly has increased, because I took the average of the last three years in my district.

1433. Now, the notice of marriage having been given by one or other of these systems, what then takes place in each case?—In the case of proclamation they get a certificate from the session clerk; in the case of publication they get a certificate from the registrar; and these certificates are taken to the registrar; and on their production, he supplies them with a schedule to lay before the officiating clergyman at the marriage. This (*producing a paper*) is a copy of the schedule, and, I think, that it makes it very plain: "In all cases of regular marriage upon the production of certificate of proclamation of banns [or of publication of notice of marriage] a copy of Schedule C." (that is what I hold in my hand) "shall be procured by the contracting parties previous to the solemnisation of their marriage from the registrar of the parish (or district) within which it is intended to be solemnised, and such registrar is bound as far as possible to fill up the said schedule."

Chairman—continued.

1434. That schedule having been filled up what is done with it?—It is given to the contracting parties.

1435. What do they do with it?—They lay it before the minister, and after the ceremony they sign it themselves, and the officiating minister signs it, and not less than two witnesses, and then it is returned to the registrar.

1436. By whom?—By the contracting parties; it is returned to the registrar within three days, under a penalty of 10*l.*

1437. How is it returned, by post?—Either by post or personally.

1438. Is that provided for by law?—According to law; I have the Act here.

1439. Does that system apply to marriages in every denomination in Scotland?—Every denomination.

1440. Are the places where marriages are celebrated licensed for the purpose?—Not one of them is licensed or registered; marriages can be contracted anywhere and at any hour of the day.

1441. In the Salvation Army Barracks, for instance?—Yes, but they are bound to get this schedule.

1442. I am assuming that the preliminaries are duly complied with according to law; and that being so there is no restriction as to where the marriage may take place?—No restriction, either in the time or district. A great many are celebrated during the evening, and a great many

Chairman—continued.

are celebrated at the residence of the minister who performs the ceremony.

1443. They may be celebrated, then, at a private residence?—At any time and any place.

1444. What payment is made to the registrar for his certificate?—There is no payment made; no fees.

1445. You can be married in Scotland, then, for nothing?—For nothing, excepting 2*s.* 6*d.* for proclamation or publication, but there are no fees for the schedule.

1446. The only payment is 2*s.* 6*d.* for publication?—For publication or for proclamation, as the case may be. If they take an extract from the book, however, it costs 2*s.* 1*d.*

1447. In your experience as a registrar does this system give rise to any errors or uncertainty in registration?—I think not. I think it is very efficient and very satisfactory, and works very smoothly.

1448. Have you known any case of error to occur, such as an error in filling up the form, or omission to sign the form?—There have been such cases, but not very frequently during my experience.

1449. Or failure on the part of the parties to return the form to the registrar so that the registration of the marriage may be completed?—I have had one or two instances where the schedules have not been returned; but we generally mark the schedules into a book when they give them up, and we hunt them up if they are not returned to us in the proper time.

1450. Have you ever known a case in which, through failure to return the schedule on the part of the parties who have been married, a fine has been inflicted on them?—I have no knowledge of any fine being inflicted.

1451. Then, in point of fact, you say that the certificates are regularly and properly returned to the registrar?—Very much so. There is scarcely an exception; it works exceedingly smoothly and well, and very satisfactory, I think, to all parties.

1452. And the registration, I suppose, under that system is effected by competent registrars?—Yes, always.

1453. And those registrars have custody of the books, the registers?—They have custody of all the books. At the end of the 12 months the books are collated by the Government examiner; these schedules are all submitted to him, and these are sent then to the Registrar General's Office.

1454. I understand that the contracting parties are not required to fill up the schedule themselves in any way?—We fill them up.

1455. You fill them up, and the minister signs them?—They sign after the ceremony is performed in the presence of the minister; the contracting parties sign first, the officiating clergymen second, and then two witnesses.

Mr. *Picton.*

1456. In Scotland who performs the marriage ceremony?—A clergyman of any denomination.

1457. May anyone not a clergyman perform the marriage ceremony?—No, I believe not.

Mr. *Picton*—continued.

There is a civil or irregular marriage under Lord Brougham's Act, I think.

Sir *Francis Powell.*

1458. Will you give us the chapter and year?—It is an Act of 1856 for amending the law of marriage in Scotland.

Mr. *Picton.*

1459. Did Lord Brougham's Act establish civil marriage?—Yes, if it is Lord Brougham's Act; I think it is.

1460. That is to say, that parties may be married before the registrar; is that so?—No. They must get the warrant of the sheriff and two credible witnesses. I cannot register a marriage of that kind without the warrant of the sheriff.

1461. In such cases no clergyman is required?—No clergyman is required, no proclamation of banns, nor any publication by the registrar.

1462. But in the case of a marriage in any church of any denomination, do I understand that the ceremony must be conducted by a recognised clergyman or minister?—Yes, it must be.

1463. What do you understand by a clergyman or minister?—One that has a congregation of any kind and ministers to that congregation by preaching on the Sabbath or otherwise.

1464. Would a Salvation Army captain come within that definition?—If he ministered to a congregation, I am instructed that although not a clergyman if he ministers to the Plymouth Brethren, though he has had no ordination or anything of that kind, I must recognise him.

1465. Or a Wesleyan lay preacher?—I do not think a Wesleyan lay preacher. If he had a church, if he had a congregation it would be another thing, but I do not think a Wesleyan lay preacher would apply.

1466. I should be very much obliged if you would enable me clearly to distinguish between a man who is authorised to conduct a marriage service and a man who is not. As I understand you now it must be a man who has a regular charge of a congregation?—No, he may not be; if he has been an ordained minister and retired, he is quite eligible to marry people.

1467. But then he must have been ordained?—He must have been ordained, and had charge of a congregation. There are the Jews and the Quakers too; we cannot refuse the schedule to them.

1468. But the Quakers have no ordained ministers?—Well, we recognise them in Scotland.

1469. Is it difficult to understand from your statement who is authorised to conduct the service. I understood you to say just now that a Wesleyan lay preacher would not be admitted because he had not regular charge of a congregation?—I should not think he would.

1470. In fact, there is some uncertainty in the law as to who is authorised to conduct a marriage?—There is some uncertainty; it is a point that might be disputed.

1471. Is

Mr. *Carvell Williams.*

1471. Is there any statutory provision?—I think there is a little statutory provision.

Mr. *Picton.*

1472. There exist in Scotland what are called irregular marriages?—There are such.

1473. What do you understand by an irregular marriage?—An irregular marriage is a marriage not conducted or celebrated by a clergyman. It is just a civil marriage, but it is called "an irregular marriage." The term is in the Act that I pointed out a little while ago. The name is not given by us; it is in the Act, Section 2 of the Act of 1856: "If any persons who shall have contracted an irregular marriage in Scotland after the day and year aforesaid shall within three months thereafter present a joint application for a warrant to register such marriage to the sheriff or sheriff substitute of the county where such marriage was contracted, and shall prove to his satisfaction that they have been married to one another, and that one of them had lived in Scotland for twenty-one days next preceding such marriage," and so on.

1474. The point I am asking you about now is this: I want to know what constitutes an "irregular marriage"?—There is a contract drawn out; I have not a copy of it, but I believe there is a copy of it in the analysis in the Act.

1475. Will you allow me to read you a passage from Bell's Dictionary and Digest of the Law of Scotland. It is headed: "Marriage by mere consent without a clergyman;" and it says this: "Such irregular marriage is constituted, or more correctly its constitution is evidenced in three ways; (1) by declaration *de præsenti;* (2) by promise *subsequente copulâ;* (3) by cohabitation with habit and repute." So that according to this authority, and it is a recent one, marriage may be in Scotland constituted by either of those three ways; a declaration before people present; a promise with subsequent cohabitation; or by cohabitation alone with habit and repute. In all of those ways an irregular marriage may be constituted according to this authority?—Still there is more than that; there are two irregular marriages. In the one that I spoke of specially there is a contract drawn up by the parties stating that they take each other as husband and wife, and that they regard themselves as married persons. They write out a petition to the sheriff and the sheriff grants a warrant for the registrar of the district in which the marriage has been contracted to register it in a book. Then there is another mode, that is by a very old Act in Scotland of Charles II., I think where they are married by conviction.

Chairman.

1476. They are convicted of marriage?—They are convicted of having contracted a clandestine marriage. They go before the magistrate and confess it. Here (*producing a paper*) is a copy; that is an example given by the Registrar General for the registration of these irregular marriages.

Mr. *Picton.*

1477. You can tell me this, at any rate: Are there not a great many irregular marriages celebrated which are not registered at all at the time?—I cannot tell that, because if there are they will be private entirely. If they come before the sheriff and the sheriff grants warrants then they come to the registrar and they are registered.

1478. Do you know of any cases of irregular marriage which are registered some considerable time after the marriage has taken place?—Oh, yes; we have three months.

1479. No more than three months?—Three months is allowed according to Statute.

1480. But is there any law compelling people that are married irregularly to register the marriage?—There is no law compelling them; we have no power to compel them to register.

1481. You were asked just now whether the registration was always effected by competent registrars, and you said yes; you meant, I presume, the dealing with the document after it comes back from the persons married?—Yes.

1482. There is a certain part of the record to be filled up after the ceremony, is there not?—It is to be entered into the books, not filled into the schedule.

1483. Can you give us a specimen of the schedule that is sent to the people who are going to be married?—(*The witness handed a schedule to Mr. Picton.*)

1484. Will you look at this column; here is a column for the signatures of the officiating minister and the witnesses; that cannot be filled up before the ceremony?—No.

1485. The signature of the minister and the signature of the witnesses have to be filled in?—Yes.

1486. Have the signatures of the married people to be filled in?—Yes, immediately after the ceremony.

1487. Then there are five signatures to be filled in immediately after the ceremony?—Yes.

1488. Do you find any errors in those signatures?—I have not found an error.

1489. Do you find any signatures in the wrong places?—Very seldom.

1490. But you do sometimes?—Sometimes, but very seldom.

1491. Could we see specimens in this Committee of the registers?—Well, they might be sent, but I have no specimens.

1492. How many copies are kept of these; are they duplicates or triplicates?—Of the registers or schedules?

1493. Of the registers?—There are two kept; collated at the end of the year by the district examiner; all thoroughly examined and read over, and one set of books sent to the Registrar General, and the other set kept by the local registrar.

1494. As they are in duplicate, could we not have some volumes of these duplicates?—I could not answer that question; it remains with the Registrar General. I have no power you know to answer that. It is very possible, if you wished them, that the Registrar General might send them.

Mr. *Picton*—continued.

1495. You say that the registers are submitted every year to examiners?—They are collated every year.

1496. You mean by collated compared with each other?—Yes.

1497. Have you ever done that?—It is the district examiner who does it; we have five district examiners for Scotland and each has his own district.

1498. Do you know whether the district examiners find many mistakes in making the collation?—The district examiner does find some mistakes; he finds some mistakes in my books, not many.

1499. What is the nature of the mistakes that are found?—Perhaps they might put in a wrong day of the month, or something of that kind.

1500. Any signatures omitted?—I do not think there are any signatures omitted.

1501. Have you any cases in which the minister has failed to sign?—Oh, no! nothing of that kind.

1502. Never?—Never; because we would attend to that and send the schedule back to get the signature of the minister.

1503. Have you any case in which the witnesses fail to sign, or one of the witnesses fails to sign?—I do not think I have had a single instance.

1504. Have you any cases in which the bride and bridegroom fail to sign?—I have had one or two in Jews' marriages.

1505. Not in Presbyterian marriage?—No, never.

1506. Do the signatures of the married people always correspond correctly with the names in the schedule?—Yes; but we do not write the contracting parties' names in the schedule; they write them themselves; that is left blank for them to write.

Mr. *Griffith Boscawen.*

1507. You issue the form of the registration to the parties who are going to be married?—Yes.

1508. When you do that do you enquire who it is who is going to perform the marriage ceremony?—Always to what denomination he belongs, because we must put that in.

1509. But do you enquire further whether he is a minister or not?—We generally enquire as to the minister and the denomination to which he belongs, and where the marriage ceremony is to be performed; we require all that information to fill it up.

1510. Do you enquire on the particular point whether he is a minister not?—We always require him to be a minister.

1511. But you say that the law is somewhat uncertain as to whether it must be a minister or not?—We have, of course, Jewish Rabbis frequently, but we just put them in as Ministers of the Jewish Church.

1512. Supposing the case of a lay preacher of the Wesleyan connection; supposing the case of a deacon or elder of a Congregationalist or Baptist Chapel was the person mentioned, should you feel justified in issuing the form?—No; I would not feel justified. I might issue the form, but they would take the responsibility; but I would not issue the form under those circumstances myself.

Mr. *Griffith Boscawen*—continued.

1513. You think it would be contrary to the law to do so?—Yes, I think it would be contrary to the law.

1514. But you cannot precisely tell us what the law is?—Not exactly.

1515. Can you give us the Act?—Yes; the Act is here.

Mr. *Jordan.*

1516. What is your rank in the registration office?—I am just a local registrar; a registrar of one of the districts in the City of Edinburgh.

1517. Is there a Registrar General in Scotland?—Yes; there is a Registrar General in the Register House.

1518. He would know generally more in relation to this subject than you?—He would know all about it, I suppose. Whether he would know more of the working I cannot say, but I have no doubt he is fully posted up in reference to that matter.

1519. Your experience is more in a certain area, and more restricted than that of the Registrar General?—Oh, yes; the Registrar General's experience embraces the whole of Scotland.

1520. Is there a Secretary to the Registrar General?—There used to be, but I think not now; but the chief clerk to the Registrar General probably is next to him now.

1521. But you can tell me this, at any rate, from your experience in Scotland: May marriages be solemnised at any hour and at any place, even in the house of one of the contracting parties?—The marriage is very frequently celebrated in the house of one of the contracting parties.

1522. Sometimes late in the evening?—Sometimes late in the evening. I have known it to be as late as 11 o'clock. It is at any place or any hour.

1523. What do you mean by proclamation at the door of the registrar's office; do you mean by an individual or by an advertisement?—It is publication at the door of the registrar, I said, not proclamation. There is a notice posted up, a public notice, at the door of the registrar, which remains there for eight days.

1524. Is the law of registration of marriage in Scotland satisfactory to the Scotch people?—I think it is exceedingly satisfactory, and works exceedingly well, so far as my experience goes.

1525. Could you tell me, are registrars ever present at these marriages as a matter of necessity or law?—The Act provides for it; that is permissive. I can refer you to the Act; it is just as the party wishes.

1526. It is not compulsory?—Not compulsory.

1527. Could you give us that part of the Act?—It is the Registration of Births, &c. (Scotland) Act, 17 & 18 Vict. c. 80, s. 47: "It shall be competent to the persons intending to contract marriage to require the registrar of the parish to attend at the solemnisation thereof at any place within such parish, and such registrar

Mr. *Jordan*—continued.

trar is hereby required, upon a written notice of 48 hours given to him to that effect, to attend with the register book accordingly, and to make the proper entry therein; and for such attendance and entry the registrar shall be entitled to a fee of twenty shillings, besides the sum of sixpence for each mile which each registrar shall be obliged to travel on going from his place of abode to the place of such marriage."

1528. Do you find that many such requisitions are made at the rate of 20*s.* and 6*d.*?—I have had during 15 years three times to attend church.

1529. That is once in five years?—Once in five years. My assistant has always gone; I never attended myself. The particulars are entered into the registers; the registrar's books are taken there, and the parties, instead of signing the schedule, sign the book of register.

1530. But it is not absolutely necessary that the registrar should be present?—Not at all necessary, except we are asked in that way and then we must be.

1531. Your experience is that very few people ask them in that way?—That is my experience; I have only had three cases in 15 years.

1532. Even in Scotland they do not like to ask them at the rate of 20*s.* and 6*d.* a time?—No.

1533. From your experience, then, do you consider that for correct registration it is necessary that a registrar should be present?—Not at all. I think our registration is very correct without his attendance.

1534. Will you tell me further, are these clandestine marriages numerous?—Well, I could not say the number, but they are pretty numerous.

1535. Then, if they are pretty numerous, are they registered?—It is only the registered ones that we can take cognisance of; we do not know marriages that are not registered.

1536. Then have you any of these clandestine marriages registered?—These irregular marriages? Yes, quite a number of them; probably more than any other registrar in the city, because the sheriff clerk's office is in my district.

1537. When you said that they had three months in which to register, did you mean that if they did not register within three months they would be subject to a penalty?—I do not think there is any penalty, but I could not register after three months.

1538. Then what is the disability? There is no penalty, you think; and if they do not register within three months, what is the disability?—I do not know that there is any.

1539. Do the same rules apply to the English Episcopal Church; I do not mean the Presbyterian Established Church but the English Episcopal Church in Scotland. You know what I mean by the English Episcopal Church?—I do.

1540. Do the same rules apply to that church and to the Established Presbyterian Church and to the Free Church and to all the churches?—To all the churches of all denominations; we make no difference.

1541. If any error be made in your register, can you take steps to rectify that error?—We can.

Mr. *Jordan*—continued.

1542. And do you?—We do. If the parties have made an error we send them to the sheriff and they petition the sheriff and produce evidence that an error has been made, and the sheriff grants a warrant to the registrar to correct the error in the register.

1543. Do you think that that assists in making Scotch registration fairly good?—Yes; it helps materially, I think. I may mention, however, that the registers are not touched; it is put into what we call a register of corrected entries, and there is a marginal note, "See register of corrected entries," mentioning the page, whatever page it may be, that the correction is entered in; and then the correction is given effect to in all time coming.

1544. Assuming that you have irregular marriages and clandestine marriages in Scotland, is it your opinion that in Scotland you get on fairly well socially and religiously under all these circumstances?—Well, that is a moral question, but I am quite prepared to answer it. I think we get on very well indeed.

Mr. *Perks.*

1545. You are the registrar of oldest standing in Edinburgh?—I believe so, by a few years, not many.

1546. And you have been deputed to come as a witness by the Registrar General on account of your long experience?—I believe so.

1547. Might I just refer to this passage in the Registrar General's letter: "I assume that what the Committee desire is information as to the practical working in all its various details of the Scottish system of registration of marriages, and I may accordingly name Mr. Thomas Temple, Registrar of St. Giles' District, of the City of Edinburgh, who has had much experience of the work, and is, at present, the registrar of oldest standing in Edinburgh?"—You are the person there referred to?—Yes.

1548. We have been listening to some remarks from you on what are called irregular marriages in Scotland as distinguished from regular marriages. I will quote one very short clause to you from the report of the Royal Commission on the Laws of Marriage of 1868, in which in two or three lines a distinction is drawn between the regular marriages and irregular marriages in Scotland, and will ask you whether you agree with it: "Regular marriages are those which are solemnized according to certain rules of procedure, established by custom or statute," (the statute being the previous statute, namely, Lord Brougham's Act, to which you have alluded) "in the presence of a minister of religion; corresponding, therefore, with the various modes of marriage" (except that by a Civil Registrar) "authorised by law in England and Ireland." That is the description of regular marriages in Scotland up to the date of this report, 1867. Now, are you aware of any statutory method whereby regular marriages may be solemnized in Scotland since that date excepting the Marriage Notice (Scotland) Act of 1878, to which you have directed our attention?—No; I have no knowledge.

1549. So that regular marriages are those established

Mr. *Perks*—continued.

established by custom and by the two statutes, Lord Brougham's Act and the Marriage Notice Act or 1878. Now the quotation continues: "Irregular marriages are those which are not thus solemnized: The first class of irregular marriages being said to be constituted '*per verba de præsenti*,' *i.e.*, by some present interchange of consent to be thenceforth man and wife, privately or informally given; and the second class '*per verba de futuro, subsequente copulâ*,' *i.e.*, by a promise of future marriage without any present interchange of consent to be husband and wife, followed at the subsequent time by carnal intercourse." Those are the two methods described in this report at that date of irregular marriages in Scotland; are you aware of any variation in the custom since that date?—I have no knowledge of such marriages as are there described at all.

1550. I will not trouble you with any questions on the irregular marriages of Scotland, and I will confine my questions solely to the Marriage Notice Act of 1878. That Act gave every religious body in Scotland power to marry in its churches or in any other places by its ministers without the presence of any civil registrar at all?—Yes, but things had that power under the original Act.

1551. And that Act you say has worked well?—It has worked exceedingly well.

1552. The only fee payable you say is 2*s.* 6*d.*?—2*s.* 6*d.*

1553. May I ask who pays the registrars; do the registrars receive any payment for the services which they discharge as registrars of marriage other than the 2*s.* 6*d.* which they get from parties marrying under this Act?—There is no fee charged.

1554. Do they get any other remuneration; do they get a salary?—They get a salary and we are paid by the results, so much an entry for a birth, so much an entry for a death, and so much an entry for marriages.

1555. Apart altogether from this fee of 2*s.* 6*d.*?—Yes, apart from that fee.

1556. May I ask what you receive for your services in connection with the marriage entry?—It is just 1*s.*

1557. For every entry?—For every entry.

1558. And what do you do for that shilling?—We have to fill up the schedule first of all, and then when the schedule is returned we enter it into two registers.

1559. And that is the end of your duty so far as that matter is concerned?—So far as that matter is concerned till the end of the year, and then we have a distinct complete index to put in the end of each book.

1560. And who pays that shilling, may I ask?—The Town Council in our case.

1561. The Town Council of Edinburgh?—Yes.

1562. Then it is a municipal office?—Yes, a municipal office so far.

1563. Who pays in respect of the births and deaths?—There is a rate; they are all rated together; there is a rate for the registrars under the Act.

1564. Then, you have no salary have you?—We have a supplementary salary to that, and we are provided with offices.

1565. You are provided with offices, you get a salary, you get a shilling for every entry, and you get 2*s.* 6*d.* for the marriage notice?—Yes.

1566. Who pays the salary?—The town.

1567. The Town Council pays it all?—The Town Council pays it all; that is under the Act; the Act provides that they shall do it. In country parishes it is the Parochial Board that does it.

1568. Now you told us that marriages may take place anywhere, and you were asked, of course, by whom. The Act of 1878, the Marriage Notice Act I see uses this phraseology: "From and after the commencement of this Act it shall be lawful for ministers, clergymen, or priests in Scotland to celebrate marriages therein after such publication of notice of intention to marry as is hereinafter prescribed." You have, I suppose, left it largely to the churches of Scotland to take care that marriages in their churches are solemnized by duly qualified officials?—Yes, we have left it to them. We generally ask the name of the clergyman who is to perform the ceremony, because in filling up the schedule we have to fill in the denomination as well as the place.

1569. When the parties appear at your office to give notice of their intention to marry, do you go then to the clergyman to ask him?—No, we have no communication with the clergyman; we ask the contracting parties.

1570. I see there is nothing in the schedule to the Marriage Notice Act of 1878, which requires you to fill in the name of the minister before whom the marriage is to be solemnized; you simply ask that as I understand as a matter of precaution?—No, not in that case. After the notices are given out they come back to us, and are exhibited at the door for eight days; and it is when they come with the certificates for the schedule, that we ask to what denomination the intended officiating minister belongs, to enable us to fill up the schedule.

1571. Is that after the marriage?—No, that is preliminary to the marriage.

Mr. *Carvell Williams.*

1572. You said that the marriage system in Scotland, as you have described, it is equally applicable to all religious bodies. There is one exception, is there not, in regard to banns; banns proclaimed in the Established Church only are recognised by law; is not that so?—Well, in reference to banns, it is only in the Established Church of Scotland that they can be proclaimed according to law.

1573. So that there is that inequality?—There is that inequality; but I did not understand that I was asked in reference to the banns.

1574. Supposing that a minister who was to officiate failed to appear, and an elder took his place, is it your opinion that the marriage would be invalid?—I am not prepared to give an opinion on that subject; I think it would be better to put that to a legal gentleman; but I do not think that an elder would do it.

1575. But if he did it, you consider that the effect

Mr. *Carvell Williams*—continued.

effect would be doubtful?—Well, I am not prepared to give an opinion.

1576. You in all cases name the minister in the certificate, I understand?—We do not exactly in all cases name the minister, but we like to get the name and get the denomination.

1577. And when you have got the name of the minister and his denomination, and have inserted it in the certificate, can no one else but himself officiate?—Oh, yes, another might officiate. I have known instances of that kind where the minister had been taken sick, or had not been able to attend, and sent another in his room; but if he was of the same denomination, it did not matter to us.

1578. The certificates after the marriage are returned, I understand you, to the registrar; are the parties furnished with a registered letter for the purpose of posting them?—They are not furnished with anything.

1579. They are sent post free, are they?—There is nothing sent. They just simply get the schedule. We very frequently put it in an envelope which is addressed to the office; but it is not paid; they are bound to return the schedule to me.

1580. And you do not furnish them with an official envelope for the purpose?—We do.

1581. But you leave them to send it in their own way?—Yes, either by handing it in personally or by sending it through the post.

1582. It has been suggested that less importance is attached in Scotland to the registration of marriages than in England; still notwithstanding the fact, I understand you to say that it is very occasionally only that there is neglect on the part of the contracting parties to return the certificate to the registrar?—Very seldom indeed; and as I mentioned before we keep a note of the schedules we give out, and if they are not returned within the three days, we have the address of the contracting parties and apply to them.

1583. And that is the result of an experience of more than 12 years during which the Act has been in operation?—Yes.

1584. In the event of the certificate not being received, is it the duty of the registrar to ascertain whether the marriage has taken place, and why the certificate has not been received?—Yes, I think so.

1585. Is there no provision in the Statute?—There is. In our instructions we are enjoined, in reference both to births, deaths, and marriages taking place within the district, to use all lawful means to see that we have obtained the whole for registration.

1586. When would you begin to inquire after a certificate that had not been returned?—Four or five days, or within a week, perhaps.

1587. As early as that; you would assume that the marriage ought to have taken place within that short number of days?—We know the date of the marriage; we put the date of the marriage in the schedule; and it may be five or six days after the ceremony should have been performed that we make inquiry.

1588. That you regard as your duty?—Yes.

Mr. *Carvell Williams*—continued.

1589. And the duty is discharged?—The duty is discharged.

1590. Do the ministers of the churches in which marriages take place keep registers themselves?—I am not aware.

1591. There is no obligation on them to do so?—Not according to the Act, so far as I know.

1592. Or according to any regulation of the Registrar General?—No, not the Registrar General; I think there is something in reference to the proclamation of banns by the General Assembly, but that is a different matter that the session clerks must keep a book.

1593. Did I understand you to say that no places of worship in Scotland are registered for marriage?—None of them.

1594. There is no such thing as registering for marriage?—No such thing.

1595. And, therefore, those who use those places of worship have not to pay the same fees for registration as have to be paid by Nonconformists in England?—I do not know what fees they pay for the celebration, or the opening of the church as it is called; I am not aware.

1596. You have said that the notice at the registrar's office is posted up for eight days; is that inside or outside his office?—Generally outside.

1597. Is it obligatory?—The Act provides that, I think.

1598. What does the Act provide?—That it should be posted outside at the door of the registrar; but I see that they are sometimes in the window when the window is close to the street.

1599. What I want to ascertain is, whether a notice posted up inside the office would be sufficient?—No, it must be exposed to the public outside in some shape.

Mr. *Oldroyd.*

1600. You were speaking of the irregular marriages, and you said that registration of those must take place within three months?—According to the Act.

1601. What do you mean by "within three months;" within three months of what?—After the celebration. They are very frequently conducted by solicitors; they write out the process; I do not know what they call it especially; and the parties sign, and that must be presented to the sheriff within three months. They can petition the sheriff and the petition must be within three months, that he may give warrant to the registrar to register the marriage.

1602. But when you were cross-examined before upon that point, you said that you did not know what penalty fell upon them if they failed to make this registration?—No, I am not aware of any penalty.

1603. But is it not a fact that in the case of children of such a marriage without registration they would be illegitimate?—If there is no legal evidence of marriage.

1604. With reference to the persons who officiate, you seemed to hesitate as to the legality of certain gentlemen, certain elders or others taking part in the ceremoay and officiating in the place of ministers; have you come across any

Mr. *Oldroyd*—continued.

cases arising out of such a questionable act?—No, I have never.

1605. Have you come across any case of imposition, parties effecting improper marriages; say, for instance, a bigamous marriage?—I have registered one bigamous marriage, I think, only that I know of.

1606. How did that arise?—It just went through the regular process. The parties got proclamation and the female knew nothing of it till after the marriage some time; but the clergyman married them just the same, not knowing that the marriage was improper.

1607. Is that the only case that has come under your experience of imposition arising from lack of knowledge of the parties by the minister?—Yes; and of course the minister was right enough, because he had the proclamation certificate that everything was right, and he was bound to marry them.

1608. But in the case of an individual in Scotland who had no special religious convictions, and who was not associated with any denomination, would it not be possible for him coming out of the street, so to speak, to get a marriage effected somewhat irregularly?—He might get an irregular marriage effected, because there is no clergyman necessary and no religious ceremony in these marriages.

1609. No; but I mean in the case of a marriage in a chapel or church, is the knowledge of the contracting parties by the minister the only check that you have against the possibility of irregular marriages?—We have no check; it depends very much upon the parties themselves that wish to contract marriage. We must take their statements as true; we cannot help ourselves.

1610. Then apart from the knowledge of the parties by the minister who officiates, and also by the publication of the fact of the marriage in your window or in your public place, there is no other warranty for the marriage being proper?—No. The notice to us is certified by two witnesses supposed to have knowledge of the parties.

1611. Supposing the case of a person officiating in the character of an elder or deacon, or some such officer of the church in the place of a minister, in that case could not the irregularity (if such irregularity was established) be amended by some notification, or some correction through the sheriff?—I am not aware; I think it would require a legal gentleman to give his opinion in reference to that.

1612. You conceive it to be your duty, in accordance with the general instructions which you received on taking office, to follow up closely the marriages of which you receive notice?—Yes.

1613. To see whether they are really carried out or not?—Yes, and to make the whole system of registration as efficient as we possibly can; that we consider to be our duty, and we aim at it.

1614. And with the general desire of the public to follow out the orders prescribed, and with the watchfulness of the registrars, you think practically the system is about as perfect as it can be mode?—Very nearly so. I do not know that we could make it better.

Mr. *Oldroyd*—continued.

1615. Is there any penalty inflicted upon you as registrar in case of neglect of duty?—Yes, we could be dismissed, you know.

1616. There is no monetary penalty?—Well, I think there is.

1617. But you have never been subjected to it?—No, and I hope never will.

1618. And you said that the contracting parties are subject to a penalty of 10*l.*?—Yes, if they fail to return this schedule.

Sir *Francis Powell.*

1619. How long have you held your present office?—About 15 years.

1620. Had you any office of the same character before assuming that office?—No.

1621. Then your experience begins with your assumption of the office of registrar?—Yes, my experience in reference to that matter.

1622. Had you any previous experience of the marriage law in Scotland?—Not any previous experience.

1623. What is the number of persons in your district?—Nearly 32,000.

1624. How many marriages take place a year?—I had 375 last year; I only took the number for one year.

1625. Does that strike you as being an average year?—Fully an average. About 360 I think would probably be an average.

1626. Do you consider that there are many marriages in your district which escape your knowledge?—I do not think there are any so far as I know.

1627. Are there many marriages in your district which are described as irregular marriages?—Yes; there is quite a number.

1628. Do they find their way on to the register?—Yes. I may mention just in a word that after banns I had 131 marriages last year, that is to say after the proclamation of banns through the church; after publication by the registrar (myself) at the door, 122; after banns and publication combined I had seven; in those cases one party chooses the banns and the other a publication, and I had seven of these; and by warrant of the sheriff I had 115 irregular marriages.

Mr. *Jordan.*

1629. How may is that altogether?—Three hundred and seventy-five.

Sir *Francis Powell.*

1630. Might I ask whether your present knowledge extends beyond your own district?—Not very much. The number of marriages in Edinburgh was upwards of 2,000 last year; it was 2,404.

1631. What is the character of your district as regards the social positiou of the inhabitants?—It is in the Central District, and we have a good many of the common class of the population.

1632. The working people?—The working people.

1633. Do you see any reason why your district should differ from other districts having a population

Sir *Francis Powell*—continued.

population of the same character; are there any special circumstances to make it differ?—It is the older part of the City, and contains the older buildings; and the better class of the inhabitants are getting out into the suburbs now; and one of the factors in the case is that a central position is always better for a working man, because he can go to any part for his work.

Mr. *Jordan.*

1634. Does the Roman Catholic Church come under the same marriage laws as the other churches?—They are all under the same law; but the Roman Catholics I believe generally make it a practice to proclaim three successive Sabbaths in their own church; but that does not exempt the parties from being proclaimed in the parish church.

1635. As well as in the Roman Catholic Church do you mean?—Yes, they do proclaim in the Catholic Church; it is their practice.

Mr. *Oldroyd.*

1636. Suppose a marriage is proclaimed in a Catholic church, is the same marriage also proclaimed in the parish church?—It must be proclaimed in the parish church or published by the registrar to be valid; it is not legal without it.

Mr. *Jordan.*

1637. Are any Roman Catholic marriages ever proclaimed in the parish church?—They must be proclaimed in the parish church of necessity.

1638. As well as in their own?—As well as in their own.

Chairman.

1639. The necessity of proclamation does not arise in the case where the notice is given properly at the registrar's office and exhibited on the door?—No; certainly not.

1640. But, as I understand you to say, the Roman Catholics, in addition to fulfilling that condition, make a proclamation of their own?—They make a proclamation of their own, but their own proclamation is not a legal proclamation of marriage.

Mr. *Jordan.*

1641. The Roman Catholics must either have their marriages proclaimed in the parish church or at the door of the registrar?—Of necessity.

1642. Are you registrar of births and deaths as well as registrar of marriages?—Yes.

1643. And is all the work done in one office?—All the work is done in one office.

1644. And by the same hands, by the same people; with the same staff of officers?—Yes, there is just myself and an assistant registrar.

Mr. *Jordan*—continued.

We do not say "superintendent registrar" in Scotland; it is "registrar" and "assistant registrar."

1645. But you do all: births, deaths, and marriages?—We do all that work.

Chairman.

1646. I want to ask you this: you have told us a great deal about the St. Giles' district of your city; does the information which you give us in relation to that particular district indicate the state of things all over Scotland?—I should think so; the laws are the same; the Act is the same; and the instructions to the registrar are the same.

1647. And in giving us therefore these particulars and details in reference to your own district you understand that you are indicating the state of things throughout Scotland?—Not the whole. I made a reservation, because I said that the sheriff clerk's office was in my district, and consequently I had a great many more of these irregular marriages to register.

1648. That is a detail; I am speaking of the general system in relation to the registration of marriages; what takes place in your district indicates what takes place elsewhere, I understand you to say?—Exactly the same.

1649. Now, I was going to ask you this: Are you accustomed to get from the stated places of worship any notice of a change of minister when one takes place?—No.

1650. You put the whole of the responsibility in relation to fulfilling the conditions required by the law as to a properly authorised minister upon the parties who contract the marriage?—The parties contracting the marriage come to our office, and give the particulars required by law. If they are not prepared at the time we just drop it, and send them to get the particulars.

1651. But supposing the parties coming to your office and giving notice of a marriage state that they are going to be married by a person who possibly may be not legally qualified to perform the ceremony, you do not interfere as to that; that is their look-out?—I think we are bound to grant the schedule, and to fill it up, and leave the responsibility on the contracting parties and the officiating clergyman. Before leaving I should like to hand in some Papers. Here is the Marriage Notice Act, with instructions to the registrars and regulations for registrars; then there are the Schedules under the Marriage Notice Act, and the public notice; and the Church of Scotland Act on the proclamation of banns.

Mr. JOHN HENRY RUTHERGLEN, called in; and Examined.

Chairman.

1652. WHAT are you?—I am Superintendent Registrar of the district of Kensington.

1653. Have you any representative capacity besides?—Yes; I was asked to give evidence on behalf of the Association of Union Clerks of

Chairman—continued.

England and Wales, of which I happen to be President this year; and therefore, as they are taking action in respect of this matter from two points of view, which I will mention, I have been asked to appear on their behalf before you.

Chairman—continued.

1654. Then we may take it that the evidence you give us is your own opinion and represents the opinion of the Union clerks?—Yes; they being, in the great majority of instances, the superintendent registrars throughout the kingdom.

1655. What were the two points on which you were specially requested to give information?—One point, not altogether the most important, but one which has not been before the Committee at all yet, is the interest of the registration officers (nearly 2,000 in number) who are pecuniarily affected by any proposed alteration of the law, and who wish to put it before the Committee from that point of view; and also as registration officers engaged for nearly 60 years in this work, our opinion as to the serious consequences which would result from what we think might be a retrograde movement in respect of registration.

1656. We will take the last point first; will you state seriatim and briefly at first, so that we may ask you questions upon each item afterwards, what are the serious changes which you apprehend if the system suggested by one of the Bills which we are considering was brought into operation, I mean Mr. Perks's Bill. Please understand the Bill is not referred to this Committee, but, of course, we have it before us in relation to the whole question?—I quite understand that position. We consider that certainty and accuracy of registration are both most important to the validity of marriages.

1657. Are they important in relation to the legal validity of marriage?—We consider that certainty and accuracy of registration are most important to the security of marriage; that however valid a marriage may be it is most important that in the future when the witnesses to the marriage may have passed away, there should be an accurate and correct record for the proof of marriage; and we venture to think that the alteration proposed in the Bill would not tend to that security and that certainty of registration, for several reasons.

1658. Now, will you give us your reasons?—For one reason, the proposed system by which it is devolved upon certain persons to return these proposed certificates to the Superintendent Registrar would possess no element of certainty. I should like to point out to the Committee that the Roman Catholic marriages in Ireland are registered very much on the system proposed in this Bill; and I think you will remember that Mr. Matheson told you there were certain cases where marriages were never registered at all, from the default of the person who should send these documents to the registrar; but this Bill does not apparently provide for any system of registration afterwards.

1659. Your criticism is directed to the system under which the certificate is to be returned; you think that is open to danger?—I think so; it must be open to considerable difficulty. I do not know whether the Committee are aware of the provisions of the Act of the 3rd and 4th Victoria, c. 72. We consider that marriages under the provisions of that Act might fail to be registered. It is a provision of this sort: Where one of the parties resides in one parish he gives notice to the

Chairman—continued.

Superintendent Registrar there; the other, the lady, lives in another parish, and gives notice there; but under the Act of the 3rd and 4th Victoria the marriage may take place in a church or chapel in a third district, which is the usual place of worship of either of those parties. Now, under this Bill in the case of a marriage of that sort we have nothing to show to whom the certificate of the marriage would be sent; to which of the Superintendent Registrars. If to the Superintendent Registrar of the district in which the marriage took place, we point out that he could not know by intuition that these notices had been given in the two other districts; and the provision under Clause 10 of Mr. Perks's Bill would hardly apply; he would not know to whom to apply for the certificate if not sent.

1660. Would not the certificate naturally go back to the person who issues it?—It depends upon the officiating minister, and we take this view that one of the parties to the marriage might say, "Will you give me that certificate; I will take care that it is sent back." If he desired to deceive the woman, or to bring about a fraudulent marriage, it might never find its way back to the Superintendent Registrar; there would be no registration of that marriage; and if in later years it was necessary to prove it, we consider that there would be no proof whatever of such a marriage.

1661. Now what other dangers and difficulties do you apprehend from a system under which either the minister or the parties contracting have to return the certificate to the registrar?—That is the main difficulty, we see that there is no security for that certificate getting returned to the person who should register it, and that therefore there would be no registration of the marriage. We think too that it would open the door to a man who wished to deal improperly with a woman; to lead her to believe that that certificate filled up was quite sufficient; we have known cases of that sort; and the woman without any ceremony having been performed, might run away with the idea that that certificate was all that was required, and sufficient evidence of her marriage.

1662. That is a new point?—We think it is open to that; we have known cases in which a man has persuaded a woman, who was not a woman of the world, that he has given notice to the registrar, and got a certificate, and that that is quite sufficient.

1663. But would you let me ask you what takes place when the parties themselves attend and are married at the registrar's office; is no certificate used in that case?—A certificate from whom?

1664. From the registrar?—From the Superintendent Registrar.

1665. Supposing for instance two persons attend to-day to give the proper notice, do they get a certificate of that notice?—No, not at the time.

1666. Then they come, say 21 days afterwards, to be married?—Yes.

1667. Then on that occasion they get a certificate?—A certificate is issued by the superintendent registrar.

1668. And you think that in people's minds there

Chairman—continued.

there might be a want of discrimination as between that certificate which indicates a perfectly legal marriage and the certificate which anticipates another ceremony, which does not indicate that marriage has taken place?—Under the present system the persons who are married do not keep the certificate issued by the superintendent registrar, which is the registrar's authority for performing the marriage; but under this Bill it is proposed to give to the parties, when they have given notice, a form as in the Schedule, which is all filled up, and which they may take away with them; and we think that, even if the marriage was not performed at all, it might be considered by the persons receiving it as some proof of their marriage.

1669. To put it baldly, your apprehension is that a dishonest man might go to the registrar's office, get the certificate, and then persuade the woman that she was married all right?—We think that it is more likely under this Bill than under the present system; that such a thing might and would happen under this provision.

1670. Have you anything else you wish to lay before the Committee in relation to the proposals now before Parliament?—There is a mere matter of detail to point out, that there is some confusion in the minds of those who drew the Bill between the registrar and the superintendent registrar. In some sections of the Bill it is clearly intended that the superintendent registrar should do what, according to the Bill, the registrar is to do, and *vice versâ*; that is a matter, probably, of detail.

1671. That is all that you desire to tell us in the way of criticism of the system proposed by that particular Bill, or any other system now under the consideration of the House?—I think those are the principal points.

1672. Now, the other matter which you wish also to represent to us is the question of the way in which the proposal under the Bill affects the gentlemen who are now engaged as superintendent registrars?—Both superintendent registrars and registrars. I wish to submit to the Committee that these men have held their offices under the Act, which has been nearly 60 years in existence, many of them for 30, 40, and 50 years, as their livelihood. The proposals of this Bill, by the very great reduction and alteration in fees which it would involve, would deprive these men, after all these years of service, of their reasonable remuneration without any proposal for compensation; and we venture to submit that in all Acts of Parliament where officers have been deprived of their emoluments, either for the benefit of the public or otherwise, there is some compensation provided for them.

1673. To what extent do you expect that this Bill will alter the emoluments of the superintendent registrars and the registrars?—Of course it must depend very much upon the extent of the district, and the number of marriages performed. I could give you my own example, if you will take it for what it is worth.

1674. Yes?—As superintendent registrar it would possibly reduce my own personal remuneration from about 250*l.* a year in respect of marriages, I should think, to about 50*l.*

Chairman—continued.

1675. Which 250*l.* a year is paid by the parties contracting?—Yes.

1676. You have no emolument from any local body, I suppose?—I am clerk to the board of guardians.

1677. But I mean in connection with the registration?—Not in connection with the registration. The registrar of marriages in my district would probably find his remuneration reduced from about 200*l.* to about 50*l.*, or even less, as the result.

Mr. *Carvell Williams.*

1678. On what do you base that calculation?—I base it upon the number of licences which I issue under the present scale of fees, and the same number of licenses if they were issued under the reduced scale; practically that is how it affects me. In respect of the registrar I take it upon the number of marriages he now attends at Nonconformist places of worship, with the fees respectively 10*s.* and 5*s.* on licence and non-licence marriages. I assume that if this Bill were passed he would no longer, practically, attend marriages at Nonconformist places of worship; he would lose the 10*s.* and the 5*s.* respectively at all those marriages without any compensation. It is still proposed that he should act as registrar of marriages, and take the notices, and do all the work he does at present except the attendance at the marriages. The fee that the registrars now get is not merely for the attendance at the marriage, but it is for receiving the notices, transmitting them to the superintendent registrar, obtaining the certificates at the proper time, and attending at the marriages. The great bulk of that he would continue to have to do under the Bill, but he would get nothing for it.

Chairman.

1679. What suggestion do you make to the Committee to remedy what you represent as being a grievance?—Do you mean what is my own opinion as to the whole question of registration, or only on the question of the remuneration of the officers?

1680. I mean the latter?—I can only suggest that there should be some such provision in any Bill of this sort as in most Bills passed of late years; a provision that, if any officer is deprived of any source of emolument or his emoluments are reduced, compensation should be provided.

1681. Now you are superintendent registrar; as superintendent registrar, in the course of your experience, have you had complaints of the non-attendance of registrars at marriages?—No. I have been superintendent registrar for nine years, during which time some 5,000 marriages have taken place at Nonconformist places of worship or at the register office, and I have not had one complaint during that time of non-attendance. I have a register here which will show that, although there has been no complaint of that sort, there is the other aspect of the question, that after appointments have been made the minister has not attended, and the marriage has taken place without him. I have an example here of that sort.

1682. Do you mean to say that you are

Chairman—continued.

ignorant of the fact that there is a grievance in relation to the attendance of the registrar, inasmuch as his convenience has to be consulted; and that the compulsory attendance of the registrar at these places of worship draws an invidious distinction between them and other places of worship?—Certainly not. I have been aware of that fact, and I have my own very strong opinion how it should be remedied.

1683. That is what I wanted to get at; will you kindly give it to us?—My opinion is that it is so important to have a correct and accurate registration, that the present system, which has worked so admirably for 56 years, should be extended, and that all marriages should be celebrated in the presence of the registrar. I think it a pity that because of a grievance on one section of the community a good system should be abandoned for one that is dangerous.

1684. One effect of that would be, I suppose, to decidedly increase the emoluments of the registrars and superintendent registrars?—I do not think it would; certainly not in the case of the superintendent registrars. It would involve the attendance of the registrars at a larger number of marriages; but then, I think, for the convenience of the community, that would mean an increase in the number of registrars; so I do not think the present registrars would be pecuniarily benefited by the change. I am not putting it for one moment on that ground, but on the ground of securing accurate registration, and putting all classes of the community on an equal footing.

1685. Were you in the room when the witness from Scotland was examined this morning?—A portion of the time only.

1686. Did you hear him tell the Committee that, though this system of certificates had been in operation in Scotland for a long time, no disadvantage had arisen from it, and that the effective registration of marriages was secured?—I heard him say that, but I thought he qualified it to some extent by saying that, as far as he knew, a marriage might take place in Scotland without the registrar knowing that it had taken place, or its being registered, just as the gentleman from Ireland said that a Roman Catholic marriage might take place without his knowing of it.

1687. He said, speaking of his own system, which was the system of the issue and the return of a certificate, that it had worked most satisfactorily, and he could suggest no change. It is quite true that outside that system in Scotland there was another one under which parties contracted irregular marriages, and there was a failure, undoubtedly, in some cases of registration there; but as respects his own system, which is the system very much that is suggested in this Bill, he told us that it had not given rise to difficulty or failure; that what you are apprehending might result if it were adopted in England had not certainly proved true in Scotland?—I thought he said, as far as he knew, and that meant that there might have been marriages not registered, but that he was not aware of them.

1688. As far as he knew; but he knew all

Chairman—continued.

about it, because he is the party who for 15 years has been issuing these certificates, and seeing them returned. However, I do not wish to cross-examine you. I am unfortunately without any notes of the evidence you wish to give us; will you kindly proceed further?—Yes. There is one point that the association which I am representing wish to lay before you; I do not wish to unduly labour it. Our point is this, it is rather by analogy; that the marriages in the Church of England are very imperfectly and unsatisfactorily registered; and if that be so in the Church of England, we rather by analogy assume that it would not be more satisfactory, and might be more unsatisfactory, under the registration of the Nonconformist minister; and in order to get some information on that point we prepared a return which was sent out to the superintendent registrars of England and Wales, requesting them to examine their church registers, and ascertain the number of errors therein; very much on the line of the return which I think Mr. Picton has laid before you; but which however we felt that was to some extent unreliable, because the copies sent every quarter by the ministers of the Church of England, probably, did not contain the errors which existed in the original register; that if they found that they had omitted a signature or omitted to get a witness to sign they probably made it right in the copy sent to the Registrar General. And the result of our inquiries has proved the correctness of that view. I have taken here some 34 returns from different districts; I have taken half-a-dozen from the metropolis, half-a-dozen from the northern provinces of England, half-a-dozen from the west, south east, and midland; with the result that, in 75,749 marriages examined, there was a total of 14,266 errors of more or less importance, which are divided here under the different heads. I do not wish to take up the time of the Committee, but some of them are really, we think, of vital importance in registration.

1689. Please give us the heads?—For instance, in this number of marriages there were 357 omissions in the names of the parties married, in the register.

Sir *Francis Powell.*

1690. In what documents?—In the registers at the churches; 104 omissions in the names of the witnesses; 149 omissions in the name of the clergyman; 580 omissions of the date of marriage; 262 omissions of the profession of the bridegroom; 703 omissions of the residence of the parties; 762 unclassified; other omissions of one sort or another which were not classified under those heads.

Mr. *Jordan.*

1691. Were they important?—No, not so important. The others are the important ones; these were omissions of the church, at the head of the certificate, and other things of that sort.

1692. Not merely dotting i's and crossing t's?—Not so trivial as that. I have a church register which I shall ask leave to submit to the Committee upon one or two points. Then there were

Mr. *Jordan*—continued.

were 2,210 erasures which have not been initialled,—absolute erasures of one sort or another; 6,176 errors altered and not initialled.

Chairman.

1693. And your remedy for all this is, that the registrar should attend at the Church of England?—Yes.

1694. Just as he attends at Nonconformist marriages?—Yes; and these errors could not take place under the system of civil registration. I think I can show that. Then there were 152 entries crossed out without any marginal note as to the reason; 139 entries, the originals of which were covered up by paper pasted over them; these would not appear in the Registrar General's return; he would simply have the copy and not see these original registers; 628 entries in which the information embodied in the several columns is in the same handwriting as the names of the parties and witnesses; 741 incomplete entries; 415 signatures struck out and substituted by others; 11 registers from which leaves had been torn out; 177 entries of which the contents could not be deciphered and 18 entries in pencil.

Mr. *Jordan.*

1695. What time does that return cover?—It covers in 34 districts, practically, a register of the past 10 years; and I think it may be summarised, briefly, in this way, that it represents mistakes in about one-twentieth of the districts of England; so that some 30,000 mistakes, of more or less importance, must have been made every year in church registers in about 150,000 marriages. If you take that as about the average throughout the country, in this proportion, that is about what it works out, if you take the whole districts of England and take this as the average proportion of them.

Chairman.

1696. Before you go from that we had evidence here that there were mistakes in relation to the marriages registered by the registrars which were corrected from time to time as the examination of the registers took place. What proportion would there be in such mistakes to the total number of marriages registered?—I am very glad that you have given me an opportunity of explaining that matter, because I do not think Mr. Whittaker made it quite clear. Those mistakes are not mistakes of importance in the registers, but simply the mistakes discovered by the clerks at Somerset House, mere mistakes in copying from the original registers; they are not mistakes in the original registers but in the copies sent to Somerset House. The original registers are correct, and the copies which have been made are incorrect.

1697. That may be so to a large extent, but undoubtedly he did say, in my remembrance, at any rate that there were mistakes of a different character, not due to copying,—discrepancies in the spelling of the name?—Yes, in the copies which are sent to Somerset House; but then a communication would be made to the Superintendent Registrar to refer to his register; he would find the name perfectly correct in his

Chairman—continued.

register, and merely a mistake of the registrar in making the certified copies to send to Somerset House.

1698. Or mistakes in erasures?—I have a register here, and you will see if you look at this book that no error can possibly continue at the outside for more than three months, and that any errors that are made at the time of the marriage must be corrected by the registrar, numbered in consecutive order and initialled in the margin. If a mistake is discovered subsequently to the marriage and before the copies go to the Registrar General, the registrar would be obliged to go to the parties to the marriage, and get either a statutory declaration, if it was an error of fact or substance, or make the correction in the presence of the parties if it were a mere clerical error. I have a book here in which you can see the whole process of corrections. If the error is discovered later by the Superintendent Registrar, whose duty it is to examine these copies with the original register before they are sent to Somerset House, he would necessarily discover any classes of error, such as I have indicated in the Church of England registers, omission of names and so on, and he would require the registrar at once to correct it before the copies were sent to Somerset House.

1699. I see the distinction that you draw. Will you go back to what you were telling us when I interposed, in relation to the errors in the Church of England registers?—I have brought up a register of a marriage at a well-known church, not to show that the register is badly kept, but I wished to show that these errors made in the original register do not appear in the copies sent to Somerset House. I have verified that in this case by taking the register to Somerset House, and asking the Assistant Registrar General to refer to the copies and to ascertain whether these omissions in the original registers have been perpetuated in the copies sent in; and in each of the cases which I submit to the Committee I found that those errors had been put right in the copies which had been sent. For example, I have here one in which there is no signature of the lady in the marriage; on going to Somerset House I found that the copy was correct, that the lady's signature had been put in. Supposing for divorce purposes or any other reason, one party went to the minister for a copy, another came to the Superintendent Registrar for a copy, and another went to Somerset House for one, they would all three get copies with different particulars in them. Now that is a case in which there is no signature of the lady, but there was one in the copy at Somerset House; and, therefore, that case does not appear in Mr. Picton's return. Another register of marriage here contains the name of only one witness. On referring to Somerset House I found a second witness' name was in the copy there. Another register of marriage here has nothing to show who the officiating minister was; in the copy at Somerset House the officiating minister's name is duly entered. I merely give these examples as showing the unreliability of these different registers.

Chairman—continued.

1700. I find that I asked Mr. Whittaker, at Question 128: "May I take it that the same irregularities do not come before him" (that is the Registrar General) "in relation to Nonconformist registration?" and he said: "Certainly; not many of them; not the most serious; it would not be allowed; for instance, leaves torn out from the register books." So what he said was, that the registers, as kept by the registrars, did not contain the most serious errors, but he implied that they did contain errors?—Of course, they might contain this sort of error that the name might be spelt by the registrar in the body of the register "Smith," and signed "Smyth"; he might not have noticed it; but that would be discovered on examination.

1701. Will you proceed?—Just to exemplify the light-heartedness with which, after many years a minister of the Church of England will alter the register, I may state that I have one case here in which a marriage having taken place in 1863, the minister brought me up the register, and said, he had had a letter from a gentleman in the country who wished the date of his marriage in 1863 altered from April to August; he had done it upon the mere letter from the country, and he asked me to make the same alteration in mine. I pointed out the serious results in respect of legitimacy or succession to an estate which might follow, and I declined to do it without the presence of the parties, or a statutory declaration; but this minister made an alteration from April to August without the slightest idea of the consequence. All this is rather to show that if you do away with civil registration, and the precautions and securities it affords, you are liable to get this sort of thing.

1701.* We quite understand that you give it in that sense, and not as making any complaint?—No, not at all, as making a complaint. Our Association are anxious to put before you their views on the point, by analogy rather, to show what is the result of the present system in the Church, and that possibly you may expect that it would not be much better in the Nonconformist bodies; I do not for a moment suggest that it would be done worse, especially by the principal Nonconformist bodies; but I should like to point out that there are, I think, 238 different Nonconformist bodies in the kingdom, and that while those which have regular provision for the ministry might do it quite correctly, you have to deal in the Bill with other Nonconformists like the Salvation Army, which perform marriages without any recognised minister of their religion; and that if you alter the law to suit one body you have to be prepared for all the dangers of irregular and careless registration from those bodies who have no recognised ministers.

1702. Subject to cross-examination, is that all that you wish to tell the Committee?—I should like to say that I have had some conversation with Nonconformist ministers in my own district, and particularly with the Catholic clergy and the priest in charge of the Pro-Cathedral; and I find with them there is no grievance in the attendance of the registrar; they do feel their inferior position to some extent, and if that were

Chairman—continued.

removed they personally would prefer the attendance of the registrar both for the perfection of registration and as taking the responsibility off them. The Catholic priests' only grievance was the necessity for the declaration being made independent of the service of the Catholic Church.

Sir *Francis Powell.*

1703. You said that the date had been changed from April to August in the case which you cited?—Yes.

1704. The register, I presume, is kept in order of time?—Yes.

1705. Would not a change of that sort appear on the very face of it to be a change?—Undoubtedly; but there would be no difficulty in making such a change in some churches where very few marriages take place? There might not be a marriage between April and August.

1706. Do you mean to tell the Committee that that change was made by the clergyman?—Yes.

1707. Did he perform the ceremony?—No; it was many years before he was vicar. I went to the Registrar General with the whole facts of the case.

1708. Is not a change of the register attended with very serious consequences under some of the Statutes?—No; there is a provision by which an error may be remedied within 12 months after its discovery by a statutory declaration by the parties or by the attendance of the parties themselves, and their making a declaration in the presence of the Superintendent Registrar.

1709. That is the mode of correcting an error discovered soon after the event?—Not necessarily; if the discovery is made 30 years after and the application to correct is made within 12 months of the discovery it can be made under certain statutory conditions, the attendance and declarations of the parties to the marriage, and such documentary evidence as the Superintendent Registrar may be able to obtain to satisfy him of its correctness; or by a statutory declaration before a magistrate. That throws the *onus* on the parties asking for the alteration to be made.

1710. Does that change appear on the face of the register?—Yes, a marginal note would be made in the register that a correction in column So-and-so had been made by So-and-so in the presence of and signed by the Superintendent Registrar; and for doing that I should require, as Superintendent Registrar, documentary evidence that it was an error that should be corrected.

1711. Do you consider that the statement you have given us as to the defective condition of the registers in churches is a fair description of the average condition of those registers?—So far as I have personal knowledge.

1712. You gave a certain proportion; you said what proportion of the whole you had examined; I thought you said one-twentieth?—Thirty-four out of about 640 or 650 registration districts.

1713. Extending over what time?—Practically, 10 years. In some cases a church register may last 30 or 40 years, according to the

Sir *Francis Powell*—continued.

the number of the marriages performed in the church. In another church, such as St. Mary Abbotts, Kensington, it would not last more than two years or two years and a-half.

1714. You have been informed of these errors by other persons?—These are investigations made by the association of which I am President, throughout the country. We have sent a letter to all the superintendent registrars, and these researches have been made by them, and the results sent up to us.

1715. Have you compared the results of that inquiry in the districts with the condition of the registers at Somerset House?—Only in respect of my own district, Kensington; I could not do it in respect of other districts.

1716. Then, with regard to that part of your statement, you can only speak for your own district?—Yes; but I believe I may say it is the experience of all.

1717. You said you had compared one of the register books with the register at Somerset House; did you compare all of them?—No; I simply took one register as a sample in which striking omissions had been made, and asked to see the copies from that particular place, taking one as a sample.

1718. But the fact that it attracted your attention by being defective, would rather seem to point to the fact that it is an exceptional case, and not a typical one?—Not at all; it is not part of the duty of a superintendent registrar to correct the mistakes in a church register. This was simply discovered by my clerk in indexing. It is our duty when we get the church registers to index them. We have no responsibility for the correctness of the entries. The Registrar General has the copies sent up, and he communicates with the clergy. We have no authority over them; but in indexing this for reference one noticed those errors. I have no authority to interfere with them.

1719. My point is this: Your attention seems to have been drawn to this particular register which seemed very defective?—No, it was simply that knowing that this was under investigation, the clerk whom I set to work to examine the registers for the purpose of this return brought me those books. In this case the person was an officiating minister, a well-known man and a high dignitary in the church; and the clerk brought it to me as a curiosity that in a church of that kind errors should be made; and I took it to Somerset House to see whether they had been perpetuated in the copies sent there for the purpose of evidence before this Committee.

Mr. *Carvell Williams.*

1720. One of your objections to Mr. Perks's Bill is that it leaves it doubtful to whom in certain cases the certificate should be returned; is not that a detail that could be corrected with the greatest ease?—Undoubtedly, I imagine so; but as a matter of fact it is to be sent, I think, to the Superintendent Registrar, and yet the registrar of marriages is to keep the returns and deal with them as may be directed.

Mr. *Carvell Williams*—continued.

1721. The objection could be easily met?—It could be corrected, undoubtedly.

1722. You have suggested the possibility that some designing man might persuade a woman that the certificate issued by the Superintendent Registrar constituted the marriage; cannot that happen now?—The Superintendent Registrar issues his certificate for the marriage to take place in the presence of the civil registrar, and it is much less likely to happen I think than if he gave one of the forms here mentioned to be taken away as a matter of course by a person, party to the marriage.

1723. But the Superintendent Registrar hands the certificate over to the parties, does he not?—Very rarely.

1724. Is he not required to do so by the official instructions?—No, not necessarily so, I think; it is very rarely that they do.

1725. You are acquainted with the contents of the book "Regulations for the Duties of Registrars of Marriages, and their Deputies"?—Yes.

1726. At page 29 there is the direction that, "after the expiration of 21 clear days next after the day of the entry of the Notice in the Marriage Notice Book, upon the request of the party who gives such notice," the Superintendent Registrar is to "issue under his hand and deliver to such party a certificate for the marriage on one of the forms printed," and so on?—Undoubtedly.

1727. And therefore a designing man could demand a certificate from the superintendent registrar, and could produce it to the woman, and what you describe as possible might happen?—It might.

1728. It might happen so under the existing law?—Yes.

1729. And therefore that is not an objection to Mr. Perks's Bill?—Except that as I ventured to point out this Bill contains a certificate of the completion of the marriage which is not in the form which would be issued under the present system. The Bill contains a form in which the signatures of the parties and the signatures of witnesses can be put, and a certificate that the marriage has been completed. All this might be done by a designing person, but none of these is on the present form of certificate, which would bear nothing on the face of it to show that the marriage had been completed.

1730. Your objection then is to the form of certificate?—Yes.

1731. Which form is capable of being altered?—Yes, I am dealing with the Bill as it stands.

1732. And this precaution might be adopted, might it not, that the certificate, instead of being handed over to the parties, should be sent to the person who is to officiate; it would obviate the danger you have described?—If a provision were made for that; if it were possible for the persons when they gave notice to state positively who the person to officiate was, if they could give that information.

1733. Are you aware that in Scotland, if the certificate is not returned to the registrar within a week it is the duty of the registrar to ascertain

Mr. *Carvell Williams*—continued.

whether the marriage has taken place; and to ascertain the facts?—Yes; and a provision is made in the Bill that the superintendent registrar shall within three months, if he fails to receive the duplicate form of return, take such steps as he may think necessary.

1734. What are you quoting from?—From Mr. Perks's Bill.

1735. So that the provision in Mr. Perks's Bill, if it were more rigorous, would be in harmony with the Scotch law?—I do not know whether the Scotch law has a provision for the parties residing in two registration districts, and being married in a third. In that case there would be the difficulty of the superintendent registrar getting the certificate sent back to him, because he would not know by intuition that a marriage was taking place of persons residing in two other registration districts, and that notices had been given in those two districts.

1736. Those are difficulties which might be overcome however?—Yes.

1737. Now are you not aware that in the country, at least, registrars find it very difficult to keep their engagements in attending marriages, because of the distances they have to travel, and also because of the unpunctuality of marriage parties; so that a registrar who has two or three marriages in the course of a morning is thrown out?—I have no doubt that in widely distributed districts that would occur.

1738. Would it not be possible to mitigate the inconvenience, if not to prevent such things happening, if all registrars were also registrars of marriage, instead of being, as some of them are, only registrars of births and deaths?—No doubt the larger the number of registrars the less risk there is of the difficulty you have been pointing out; but one doubts whether the multiplication of registrars would be desirable, because the remuneration would be in that case so small as to hardly render it worth the while of a capable man to undertake the duty.

1739. But apart from the question of remuneration, do you think it would be a desirable change?—I think it is plain on the face of it that a larger number of registrars would obviate the difficulty of registrars not being able to attend at several places in one morning.

1740. You have furnished the Committee with a great deal of evidence as to the errors committed by clergymen in connection with marriages in the Church of England; are you not aware that no one proposes that a similar system should be adopted, either under Mr. Perks's Bill, or under anybody else's?—I quite understand that Mr. Perks's Bill does not propose the system of the Church of England; but (if I may give my own opinion) with all its faults, I should prefer the system of the Church of England with its duplicate registers, and its certainty of registration to the non-attendance of the registrar and to the risk of these loose sheets not reaching some proper registration officer.

1741. Inasmuch as Mr. Perks's Bill does not propose to place Nonconformist ministers in the same position as clergymen in regard to registration, are not your objections to a large extent irrelevant?—I do not think so.

1742. You are aware that Mr. Perks's Bill does not propose that the same system shall be adopted in reference to marriages in Nonconformist places of worship as exists in the Church of England?—Certainly.

1743. And therefore your statements must be to some extent irrelevant?—Well, to the extent that the registers are not to be kept under this Bill by the Nonconformist ministers; and that I think is the weak part. As I ventured to say, I think in the interests of registration, the system of the Church of England, with all its faults, is preferable to a system of this sort which lends itself to the risk of marriages not being registered at all.

1744. Does your statement go further than this: that some clergymen in the Church of England make bad registrars. That is what your statement comes to?—Yes.

1745. And no one, as far as you are aware, proposes that Nonconformist ministers should become registrars?—No.

1746. And therefore they are not likely to be guilty of the same neglect as ministers of the Church of England?—They would not have the opportunity.

1747. In your opinion the change which ought to be made is, the compulsory attendance of registrars at all marriages?—Or preferably, if you ask me my ideal system of registration, I should have civil registration of all marriages, and the superadding of any religious form that the parties wished afterwards; that all marriages should be civilly registered or celebrated, and then that the religious service, whatever the creed of the parties, should be superadded for their satisfaction. I believe that would secure the most ideal system of registration, and the subsequent proof of marriage in years afterwards, when it might be very important to prove the accuracy of the marriage register.

1748. But that is not what you proposed as the remedy in the earlier part of your evidence. I think you said you thought it desirable that the registrar should attend in all cases?—I am merely giving now my idea of the most perfect ideal system. Failing that, I suggest putting all religious bodies on the same footing as to the attendance of the registrar for the civil registration; that that should apply to all bodies; but I venture to say that preferably there should be first a civil celebration in all cases, and the adding of the religious service according to the wish of the parties afterwards. I am afraid, however, that that is too advanced.

1749. You are aware that, whatever may be the opinion of Roman Catholic priests, the large number of Nonconformists object to the attendance of registrars at their marriages?—Do you mean the Nonconformist laity?

1750. Of both laity and ministers?—I know it is so stated. I have not come across either Nonconformist ministers or Nonconformist laity who to me personally have made the objection. I know it has been made.

1751. Hav

Mr. *Carvell Williams*—continued.

1751. Have you any reason to think that the members of the Church of England generally would submit to have the registrar forced upon them?—That is a matter of opinion. I am a member of the Church of England and have been a churchwarden for a good many years, and I should have no sympathy with either clergy or members of the Church of England who made a difficulty; but I have no doubt it would meet with a great deal of objection.

1752. But do not you think that a large number, both of Nonconformists and of members of the Church of England, would object to the compulsory severance of the religious from the legal ceremony?—Doubtless.

1753. Therefore, practically, your remedy at the present time is no remedy at all?—If the State made it so, as it is in foreign countries, it would have to be complied with, I imagine.

1754. That change is what you think to be desirable, but you do not consider it now to be practicable?—I am afraid not.

1755. Supposing that the remuneration now received by registrars, instead of being paid by fees of the parties married, were given by the State, and no loss were incurred by them, the registrars, as the result of the proposed change, I apprehend that your view of the measure would be considerably affected?—It would not alter my view as a citizen, my personal view as to the desirability of a careful registration of marriages. Of course, it would alter my opinion as an officer, of the effect of it upon my personal income, but it would not alter my opinion as to the advisability of the system.

1756. Are you aware that in Scotland a very small portion of the remuneration of the registrars is furnished by parties married; it falls upon the municipality?—I understand that the remuneration of registrars is paid by the State in some form.

Mr. *Perks.*

1757. How many marriages did you say you had attended at Nonconformist chapels?—I do not attend myself as superintendent. I said that during the time I had been superintendent registrar, some 5,000 marriages had been attended by the registrar upon my certificate. I only attend the civil marriages at my own office, which would be about some 2,500 or 3,000 in that time.

1758. And how many have been celebrated in Nonconformist chapels during the same period?—I should think about 2,500 in that time.

1759. Then you have not been brought into direct contact with either the ministers or the contracting parties in the chapels?—No; I explained that.

7760. And therefore the difficulty, I suppose, and delay, and (excuse my putting it) incivility would not come directly under your notice?—No; not unless the parties complained to me as superintendent-registrar.

1761. You have, I daresay, seen from the evidence and heard that there is a very small number of complaints that come to the Registrar General?—Yes. I was here when Mr. Whittaker said that there had been 16 in two and a-half years, which would represent 16 in 160,000, or one complaint in 10,000.

Mr. *Perks*—continued.

1762. If that were an accurate statement of the number of cases that actually take place, the evidence furnished to us by the Nonconformist witnesses would be manifestly wrong?—I can quite believe that only very serious mistakes would go to the Registrar General; and I quite acknowledge that many complaints would arise which do not get to the Registrar General; but as long as human nature is as it is you could scarcely expect to have 160,000 marriages with 1,100 different officers, without some complaints of omission.

1763. I think you said that the main difficulty in the proposed system of returning certificates was that the person would not know to whom to return the certificate; might not that be remedied by a specific requirement to return the certificate to the person who issued it; I mean, under the Bill which I have introduced, it is easy to direct specifically that the certificate shall be returned to the person from whom it emanates?—Undoubtedly. But, then, I ventured to point out to you that there were cases in which it would not go back to either of the parties who issued the certificates.

1764. Is it not easy to put into the Bill a specific direction that the person from whom it emanates is the person to whom it is to go back?—Undoubtedly; but I do not see how you are to secure that the person who should return it would return it. Any system which is open to that omission would be dangerous.

1765. Now, you said that in one case, which you gave us, the minister could not come at all, and I think you said you married the parties?—The registrar did.

1766. The registrar married the parties?—Yes.

1767. In other words, in your opinion, the person who marries two Nonconformist persons, is the registrar?—I do not think so.

1768. Why, then, did you use the phrase?—Because there was no minister, in that case, and it practically became a civil marriage in a licensed building.

1769. Who, in your judgment, marries the parties?—I consider that, in the Nonconformist and Catholic places of worship, the minister or priest marries the parties; the form distinctly says so; it is only done "in the presence" of the registrar for the purpose of registration.

1770. I gather from your evidence that in your judgment the danger of insecurity in the register will be greatly increased by the adoption of such provisions as I have proposed in this Bill?—If I may say so without offence (I am sure I may) I think there are dangers, at all events, as it is at present drawn.

1771. Now, will not the parties want to get as accurate a register as possible?—They should do so.

1772. And therefore they have the greatest interest in seeing an accurate system adopted?—Yes, certainly.

1773. And if they think that the registrar's attendance will secure the most accurate system, they

Mr. *Perks*—continued.

they will adopt it, will they not?—Yes; but I think they will only arrive at that by experience.

1774. But they have had the experience, have they not?—They have had the experience, that at present it is certain and secure.

1775. And therefore if they are so persuaded of the advantage of the present system they will not abandon it?—Who will not abandon it? The parties about to be married?

1776. Yes?—You mean that under your Bill they will require the attendance of the registrar. Not if the Nonconformist minister who is to perform the marriage is a man who has a very great objection to the presence of the registrar.

1777. I do not accept that theory at all. First of all you say that the present system is admirable and secures efficient registration, and that the parties want good registration; why will they abandon that system for something which you say will be very much inferior?—Because I do not think they will recognise, till experience has shown it to them, the danger of something happening by way of non-registration or incorrect registration; they would not know that this system is not equally satisfactory; and if the Nonconformist minister who is to perform the marriage tells them he will not have the registrar, I imagine the members of his flock would say, very well they would not have the registrar; and my opinion is, that they will hardly ever have the registrar, especially if it means paying 5*s.* more.

1778. They will adopt an imperfect system, you think, rather than pay 5*s.*?—For one reason because it will be in accordance with the wishes of their pastor, and the other because it will save 5*s.*

1779. Why in accordance with the wishes of their pastor?—I understand that the Nonconformist minister does not like the presence of the registrar.

1780. Would the Nonconformist minister get the 5*s.* in your opinion?—I suppose he would get the same fee as now, whether the registrar is employed or not.

1781. If the Bill is not generally adopted in Nonconformist chapels, that is to say, if parties still prefer the presence of the registrar, there would be no suffering in the shape of fees on the part of the registrars, would there?—No, certainly not; but the registrars are looking to the probability that, with this provision, the parties will not desire their presence.

1782. I do not quite understand how a bad system is going to be adopted, in your judgment, in Nonconformist chapels, if it be bad?—Because it removes a grievance more or less sentimental, and that is why it would be adopted, I take it.

1783. Now you told the Committee a few minutes ago that, in your judgment, the evidence given by the witness from Ireland as to the marriages in Roman Catholic chapels and the imperfection of their registers in certain cases, was a reason for the non-adoption of this Bill; but were you under the impression that the marriages in Roman Catholic chapels in Ireland were governed by the Act of 1863, which extended to the Nonconformists in Ireland the right of marrying without the presence of the registrar?—There are two Acts in Ireland, one which relates to Protestant Christians and the other to Catholics; and a Catholic marriage in Ireland, I take it, is one in which the Superintendent Registrar issues a certificate somewhat like yours, and it is the duty of the parties to return that certificate to the registrar for marriages.

1784. But it does not emanate, in the first instance, from the registrar appointed by the State; it comes from the licensing authority of the Roman Catholic church?—But the registration has to depend upon the return of a form of certificate to the registrar whose duty it is to register it.

1785. Now you gave us a long list of errors occurring in the Church of England in 10 years; have you a copy of the circular letter which was sent out by your association to the various registrars all over the country asking them to furnish you with all these?—I have not a copy here, but I have one of the forms.

1786. I wanted to see the instructions which you gave to these gentlemen all over the country as to the nature of the evidence which they were to collect together for the benefit of this Committee?—I have not a copy here of the circular, but it practically asked them to make a return in this form which I have before me.

1787. It very much depends upon what instructions you gave the gentlemen as to the nature of the evidence they were to collect?—I think that is answered here. It was simply a circular asking them to search their registers for the past ten years.

1788. Would you mind making a search for that circular?—I will write to our secretary for one and add it to my evidence.

1789. Now with regard to the registers in the Church of England, you gave us a long list of various classes of errors; for example, in some hundreds of cases the names of the parties contracting were wholly omitted?—Yes.

1790. Now that was an error which would be impossible under this Bill?—Undoubtedly, if the certificate was filled up.

1791. Because they would be filled in by the registrar?—Yes.

1792. It would not depend upon the clergyman at all?—No.

1793. And therefore those hundreds of cases would be annihilated, gone?—Assuming that the Nonconformists are not registering their marriages, but that they have to be registered by someone afterwards.

1794. But assuming this form to be adopted, that class of error could not possibly occur?—Not in the register made up from that, as long as you are clear that it is to be made from it.

1795. Then there were some hundreds of cases where the professions were not inserted; that is a class of error which could not probably occur under this Bill?—Doubtless most of those errors would not occur.

1796. Why would it be impossible?—Because the registrar has really to do that duty which he does now, for somebody else practically.

1797. And you said that hundreds of cases had occurred where the residence of the parties was omitted;

Mr. *Perks*—continued.

omitted; now those could not possibly occur under this Bill?—No, doubtless all those cases could not occur.

1798. May I put it in this way; that whereas in the Church of England the only parties who are really concerned with the certificate are the clergyman and the contracting parties, in this case there would be the registrar as well who would have to prepare the certificate first of all, and then when it came back to him would be responsible for its accuracy?—I pointed out that it does not come back to him.

1799. That might be easily provided for. It ought to come back to him?—Yes.

1800. That is the intention in the Bill?—Yes, but it is not so in the Bill as it stands. Then you are making the registrar do all this without any remuneration whatever.

1801. Do not we come back to that as being the real grievance of the registrars?—Undoubtedly it is a great grievance of the registrars, depriving them of the living which they have had for 30 or 40 years.

1802. In fact that is the reason you are here?—To a very great extent. There is another gentleman who more particularly represents the registrars, but I wish to represent them quite as much as the superintendent registrars. We are affected in a different way. We also feel an interest in the correctness of registration; perhaps you will give us credit for that.

1803. With the greatest pleasure. And you suggest as a remedy that you should be compensated for the diminution of your income, if this Bill passes?—I think if the Bill passes, undoubtedly so. We consider that we have given up other offices and taken this with the idea that it was to be of permanent duration. Many registrars cannot turn to anything else; many have been registrars for 30 or 40 years.

1804. But if the public are persuaded of what you yourself believe, namely, the superior advantages of the presence of the registrar, there would be no loss at all?—"If."

1805. And it is because you think the public will not be so persuaded that you want the compensation?—It is. I think the Nonconformist public would be glad to do without the registrar for the purpose of saving the 5*s.*, and, as I said before, to conform to the wishes of their ministers who do not want the registrar; and, therefore, I think they will do without him.

1806. Then you think that Parliament was wrong in conceding this right to the Irish Nonconformists, and to the Scotch Nonconformists?—I must hardly criticise Parliament. I think Parliament would have acted more wisely in securing a perfect system of registration in all the countries in the Union, and to all classes of the community, because I consider both the other systems are open to an abuse which the system in England is not open to.

Mr. *Jordan.*

1807. You represent two organisations here?—I represent here really the Association of Union Clerks of England and Wales, who are mainly superintendent registrars.

Mr. *Jordan*—continued.

1808. You represent the Association of Registrars and the Association of Clerks of Union?—To a certain extent the Association of Registrars; there is another gentleman asking to give evidence more especially on their behalf; I am really representing the Association of Union Clerks who are superintendent registrars, but incidentally I am representing the registrars as well.

1809. Are you a clerk of the guardians yourself?—Yes, clerk to the guardians of Kensington.

1810. Your evidence, I gather, is not wholly in the public interest?—To the extent that I am advocating the claims of the officers to some compensation if they are affected, it is not wholly so.

1811. I gathered from you that your appearance here, and your evidence, is more in your own pecuniary interest?—As much in the interest of correct registration and of giving the Committee such information as I can on the working of the present system.

1812. I understand that. You are giving very valuable information; but I am impressed with the idea that your evidence, and very justly so, is in your own pecuniary interest as much as, if not more, than in the public interest?—As much probably.

1813. You have given a good deal of evidence on one point in relation to the return of the certificate, and you have said that it might not be returned; do you think that that assumption of the certificate not being returned is a sufficient warrant to us to conclude that it will not be returned, or would it be returned?—I can only point you to the experience of the gentleman from Ireland, who said that under the system upon which the registers were filled up, from certificates returned, undoubtedly marriages have failed to be registered; that he told you; and you would see for yourself, I suppose, that such a possibility might easily arise.

1814. That is not the point. You have said that this certificate might not be returned; now do you want us to believe, or to draw the inference, or to conclude that the certificate will not under all ordinary circumstances, be returned?—No, I should say that in all ordinary circumstances it would be returned, but the strongest part of the chain is its weakest link, and that therefore the fact of the possibility of a marriage not being registered by the non-return of a certificate is one to be guarded against; and any system which admits of a single case is open to objection.

1815. Is there not a weak part in the chain in the present system?—I venture to think not; it is impossible for a marriage not to be registered now, when the attendance of the registrar is compulsory.

1816. Do you consider that it is absolutely necessary to a correct registration, or does it come within your purview that a registrar should be present at Nonconformist marriages?—Not absolutely necessary, certainly; because many marriages, the great bulk of marriages in the Church of England, are correctly registered; but what we say is that a large proportion will be incorrectly registered in the absence of a proper registration officer.

Mr. *Jordan*—continued.

1817. You affirm that there will be?—I think I may safely say there will be mistakes.

1818. That is because there is no perfection anywhere; not because Nonconformists are more imperfect than others?—I would rather say that there will, in all probability, be a larger number of incorrect registrations under any other system than there are under the present.

1819. If your fees now were by any means secured, would you be irreconcilably opposed to a reform in our legislation by which registrars would be excluded from the marriage ceremony at Nonconformist places of worship?—I wish to say, irrespective of fees, that I think any other system than the present would not be an improvement.

1820. If other people desired a reform should you persist in your objection?—I should not be irreconcilably opposed to it, even with the question of fees to be considered, if I were satisfied that it was a better one.

1821. You are a superintendent registrar and also a clerk of the Union; do you think you would lose much from a pecuniary point of view by the passing of such a Bill as Mr. Perks'?—Undoubtedly.

1822. Why?—Because a large proportion of my fees arise from licences; Mr. Perks' Bill proposes to reduce the fee to 5*s*. I should lose 27*s*. on every licence that I now issue.

1823. Do you not think that in appointing you to be clerk of the union the guardians took into consideration the fact that you were getting 250*l*. as registration agent, and gave you a smaller salary than they would have given otherwise?—I can answer that question in my case by saying, absolutely, no; for I was clerk to the guardians at least six years before I got the appointment of superintendent registrar; so that I got my appointment of clerk to the guardians quite irrespective of the other.

1824. In your case that might be so; but in other cases of appointments of clerks to unions, would not that be taken into consideration in the salary by the guardians?—I have no reason to think that it very materially influences the boards of guardians. The work of the clerk is worth a certain amount, and they fix his salary irrespective of the other office.

1825. Your fees, as registrar, are fees for work done?—Yes, undoubtedly.

1826. And so much additional to your income. Now, do you consider yourself a civil servant?—I believe strictly I am not in the Civil Service.

1827. Then how, if you are not, have you a claim to compensation?—I imagine that other persons than civil servants can claim compensation for loss of office.

1828. Not as civil servants?—Clerks to boards of guardians are not civil servants, but they are compensated for loss of office.

1829. Is not that by statute?—By statute.

1830. Do you consider it fair that disability should continue to a large section of Her Majesty's subjects in order to maintain the pecuniary interests of registrars?—Certainly not; if you put it in that way; but I do not think that is quite the case.

Mr. *Jordan*—continued.

1831. Now, would you suggest that, to maintain your fee and your interest instead of relieving the registrars from Nonconformist marriages, they should attend the marriage ceremony at the Church of England?—I think so, in the interest of correct registration.

1832. Would you propose that seriously?—Certainly, as a Churchman, and as one who has been an officer of the Church for many years. I am so satisfied of the necessity of correct registration that I have no sympathy with the objection on the part of clergymen or others who may object to the attendance of the registrar.

1833. Do you think seriously that such a measure as that could be passed?—That is entirely a matter of opinion for Members of Parliament, for the Legislature to determine.

1834. Do you think that a measure like that could be carried?—I am afraid not.

1835. To leave that point, permit me to ask you, have you any data to warrant you in saying that Nonconformist ministers will make such mistakes as the Church of England ministers have made?—Only by inference. The Nonconformist ministers are, probably, not likely to be more correct than the clergy of the Church, and, therefore, you can only by analogy assume that they will make errors.

1836. I did not ask you at all for your inference; I asked you had you any data to warrant you in saying that Nonconformist ministers would make such mistakes as the Church of England ministers have made?—I could not possibly have any data for that, because it has never been tried; it can only be a matter of opinion or inference; they have never registered marriages yet; therefore one cannot tell what they would do. There is no record, there are no possible data for ascertaining whether Nonconformist ministers would make mistakes.

1837. Would you not infer from anything you do know that they would do the thing more correctly than it has been done by the Church of England ministers; why should you infer that they would do it as bad, or worse?—I have no more data than any honourable Member of the Committee. I can only put it by analogy that, as the clergy of the Church of England make so many errors in their registration, there is no reason to think that the Nonconformist ministers would do better.

1838. Do not you think that the errors made by the Church of England ministers are largely due to the fact that they feel themselves to be members of the Establishment, and not as controllable as the other ministers?—Of course that is matter of opinion.

1839. Do not you think they feel themselves ministers of the Established Church, and as such not so amenable to control?—You see, I am not in the minds of the ministers of the Church.

1840. Do you make a difference between ideal and practical registration; you said something about your ideal registration; do you make a difference between ideal and practical registration?—Not in this case, because I see no practical difficulty in carrying out the ideal, if Parliament and the people are prepared for it.

1841. I asked

Mr. *Jordan*—continued.

1841. I asked you before, do you think the people are prepared for it?—That, I venture respectfully to submit, is a matter on which the Committee is as capable of forming an opinion as I am.

1842. I gather your ideal of registration is that there should be two marriages; do you think it an ideally perfect system to compel two sets of marriage, first the civil, and then the religious?—I have said that I think it would be the most perfect system of securing careful registration and valid marriages.

1843. And do you consider that the churches of England generally would submit to that?—I should fear not.

1844. Do you think now that your suggestion of saving *5s.* is a fair one to the parties you suggest it in reference to; you said that they might save *5s.* by a certain course?—I said that the parties married would save that *5s.* I hope I did not say it offensively. I think all the witnesses hitherto have very much harped upon the question of this *5s.* having to be paid as a grievance upon the part of the Nonconformists.

1845. You said that the removal of the registrar was desired by the ministers; do you think that the laity do not object to the presence of the registrar in Nonconformist marriages?—I do not know much of the Nonconformist laity, but those whom I do know have not expressed to me any objection to it.

1846. Have they expressed any opinion in favour of it?—I am not able to say that one way or the other; I have no knowledge. On the part of the laity the grievance has not come under my personal observation.

1847. Then why do you suggest it is a minister's grievance, and not that of the laity?—I was saying, as a matter of common notoriety, that the ministers of the Nonconformist churches (and I have heard it stated again and again in this chair) do feel it a grievance that they are on a different footing from the clergy of the Church of England.

1848. Would you be surprised to hear that the laity feel as keenly on the matter as the clergy, if not more so?—I should be surprised, because I have not heard it.

Mr. *Griffith-Boscawen.*

1849. You have given a great deal of evidence, disclosing errors in the church registers; it has been suggested that that evidence does not apply because it is not proposed to turn the Nonconformist minister into a registrar; but am I right in saying that you object to Mr. Perks' proposal quite as much as the proposal to make the Nonconformist minister a registrar himself; you think it quite as dangerous?—I venture to think rather more so; I would rather see the Nonconformist ministers keeping their duplicate registers like the Church of England clergy, and making sure that every marriage is registered without the opportunity of omission.

1850. That is my point; if the registrar is taken out of the chapel and not put into the church, would not the better proposal be to make the authorised Nonconformist minister the registrar as the clergyman is, rather than adopt the proposal in this Bill?—I venture to say so; that is my opinion; I think it is less risky; there is less danger.

Mr. *Griffith-Boscawen*—continued.

1851. Then, of course, this difficulty would arise, would it not, that in Nonconformist bodies, where there is not an exactly defined duly authorised minister it would be difficult to know whom to make the registrar in that case?—Yes, I ventured to say that in the principal bodies where they have a recognised ministry, there will be no difficulties; but I pointed out that there are something like 238 different bodies like the Salvation Army, and others, to whom it would be difficult to allow that privilege.

1852. Therefore if some proposal such as that were adopted, it would have to be limited, you consider, to those bodies that have a regularly ordained ministry?—Probably, and then there would be the difficulty of dealing with the other sects.

1853. With reference to that point, I think it came out in cross-examination by Mr. Perks, that of course certain of the errors which creep into the Church registers could not occur under Mr. Perks' Bill, because the registrar, for example, would prepare the certificate. On the other hand, I am right in supposing, am I not, that other errors would occur, there would be other dangers?—They would occur in that which is not filled up by the registrar. The omission to get two witnesses, or to get the signature of one of the parties to the marriage, or the failure of the minister to sign, all these would be possible under this Bill.

1854. And under this Bill there are other special dangers which do not occur now?—I think there would be.

1855. As, for example, the danger of the form being lost in the post?—Yes; or wilfully retained for some purpose.

1856. Could you mention any others?—I do not know that I could at this moment, but I pointed out some of the errors which might arise in registers of the Church of England.

1857. I can roughly conclude that you consider this proposal worse than the proposal of making the duly authorised minister a registrar; and you would prefer to see that system followed?—If the registrar is not to attend at Nonconformist marriages, I think it would be safer to make the Nonconformist ministers the registrars, and make them send their duplicate returns every quarter to the Registrar General.

1858. And you think that then the chances are that there would be the same amount of error as in the Church?—Yes; I would not for a moment suggest that the Nonconformist ministers are any worse than the clergy of the Church of England.

1859. You do not think there would be any less error?—I do not think any less. That is an opinion for what it is worth.

Mr. *Picton.*

1860. Have you seen the Second Schedule in the Bill prepared by Mr. Perks; have you got it before you?—Yes.

1861. Do you see some of the words beginning "I declare that this marriage," in the lower part of the Schedule?—Yes.

Mr. *Picton*—continued.

1862. Do you see the dates to be filled in there?—Yes.

1863. And the signature of the clergyman to be filled in?—Yes.

1864. And the signatures of the parties to the marriage to be filled in, and also of the witnesses; and all these have to be filled in after the marriage has taken place?—Yes.

1865. You gave us, in your list of errors, 357 of names omitted; that is, names of the persons married?—Yes.

1866. If you look at that Schedule in Mr. Perks' Bill, is there a possibility of the same error occurring there?—No, I think not; that would be an omission in the first part of the form, which is to be filled up by the superintendent registrar.

1867. Are you aware that in the return which I have there is a considerable number of cases in which the parties married did not sign?—Yes.

1868. Is not there an opportunity of that error in this case also?—Yes.

1869. You have 104 cases you gave us of witnesses that had not signed; do you see the opportunity of the same error in this schedule?—Exactly.

1870. You gave us 580 cases of dates of marriage not inserted; do you see the opportunity of the same error here?—Yes.

1871-2. You gave us also 741 which were incomplete in various ways, but you did not give us any particulars; there might be a number of things incomplete in this part (*pointing to it*) of the Schedule, as, for instance, want of the Christian name, want of complete signature, want of complete description, part of the date omitted; there might be little errors of that kind which would go to swell the number of possible errors; is not that the case?—Undoubtedly so. But it is only fair that I should point out that if the return were duly sent to the registrar for registration, I imagine it would be his business, if he saw those errors at the time, to at once communicate with the minister, and therefore there would be that advantage, that these errors would be corrected, or some effort made to correct them, within some reasonable time, which is not the case with the marriages in the Church of England, because the registers do not come to the superintendent registrar, perhaps, for 10 years.

1873. You are aware that a great many people get married with uncertain abodes, and you would not be able to communicate with them a week afterwards?—Yes.

1874. The great difference between the systems in operation in Church of England marriages and the system proposed in this Bill is, that the Registrar General furnishes a volume of registers to be filled in to the churches, and in the case of these marriages there would only be separate slips of paper or duplicate slips of paper?—That is so.

1875. What is your opinion of that proposal when separate slips of paper are returned?—That is the point I have tried to put before the Committee. The main danger of the thing is, either that these slips might not be returned by the officiating minister, or he may confide them to the parties married to give back, and for some reason, good or bad, they might not be given back, and the marriage might never be registered; for although it is proposed to made it the duty of the superintendent registrar within three months to take some steps to ascertain whether the marriage has been celebrated, we, as practical men, see some difficulties in many cases in ascertaining that fact; and therefore there might be marriages which, the slips not having ever been returned, would never get registered..

Mr. *Picton*—continued.

1876. Again, I suggest to you that a large number of people are difficult to find afterwards; in three months, probably, the registrar would not be able to find them?—I know many cases in which people simply come for seven days' residence in Kensington, and having made that time they are away for the next three weeks, and never come back to the same address.

1877. With regard to the presence of the registrar at Nonconformist services, is it absolutely necessary that the registrar should be in the church near the officiating minister and the people who are being married; is it necessary that he should be there during the ceremony?—I can only say that personally I have never attended the ceremony; but I should think that, so long as he takes care that the statutory declarations are made in his presence, he need have nothing whatever to do with the religious part of the service.

1878. That is, according to the present law; but suppose any alteration were made in the law relieving him of the obligation of hearing the statutory declaration, and supposing the law was that he must be in the vestry, and that his registration was a necessary part of the whole marriage, what would you think of such a proposal as that?—I should think it would be quite satisfactory, if it did not meet with any difficulty on the part of the Nonconformists, if the registrar was there to see that all the parties signed, and the register is properly filled up.

1879. Do you see any objection to such a proposal as that?—Not at all.

Mr. *Perks.*

1880. If the system suggested by Mr. Griffith-Boscawen were adopted and the Nonconformist minister were made the registrar, you would then lose, as I understand, not only the 5*s.* but the 2*s.* 6*d.* and the 1*s.*; that would be 3*s.* 7*d.* on the registrar's part?—He would lose his fee for attendance and, I presume, his fee for the marriage certificate, if the Nonconformist minister, being the registrar, were able to give it; but I imagine that, in any case, the difficulties which have been pointed out, which the Nonconformists suffer now by reason of having to give notice, would not be removed by your Bill; they would still have to give notices as at present.

1881. I thought the proposal was to put the Nonconformist minister in his chapel in the same position as the clergyman is in the Established Church?—Yes, quite so; but not interfering in any way with the preliminary notices that are required for Nonconformist marriages; that is to say, with the notice to the registration officer, to be put up for 21 days, and the certificate to be issued by the superintendent registrar.

1882. I suggested

Mr. *Griffith-Boscawen.*

1882. I suggested a precisely similar position for the ministers of the Church and the Nonconformist ministers?—But the minister of the Church of England now marries after the issue of banns; I imagine you did not intend to put the Nonconformist minister in all respects on the same footing; only in respect of the celebration of the marriage; not to interfere with the preliminary notices.

Mr. *Perks.*

1883. Then the honourable Member meant the Nonconformist was still to go through this form and pay 3*s.* 7*d.*?—So far as the celebration of the marriage only is concerned. I understood that only to be meant; not with regard to the preliminary notices.

Mr. *Griffith-Boscawen.*

1884. Do you think in such a case as my suggested case, namely, that the Nonconformist minister should become the registrar, the preliminary notices could be done away with?—You mean that he should have the same power of marrying after banns or calling in the chapel as the clergyman in the Church. That would do away with the necessity of a registrar of marriages except for purely civil marriages; but the difficulty I see is that the Nonconformists would be put on a worse footing in respect of speedy marriage. At present the only person who can issue a license for a Nonconformist or a Roman Catholic marriage is the superintendent registrar; if you allow marriages to take place by Nonconformist ministers without the intervention of the registrar or the superintendent registrar, you will have to create some authority for issuing licenses for Nonconformists or Roman Catholics who wish to be married speedily. I do not know how that would be got over.

Mr. *Perks.*

1885. That is already provided for in the Irish Bill?—Yes, by certain persons appointed as licensers; but I do not know how you could do it in England.

Mr. *Griffith-Boscawen.*

1886. Would you prefer that system to the system in Mr. Perks's Bill; in other words, would you prefer to place the Nonconformist minister exactly on a footing with the clergymen, rather than what is suggested by Mr. Perks; I ask you not to take into consideration the financial position of the registrars in giving your answer, but to give it from the point of view of registration?—I think from the point of view of registration it would be safer; that is all I can say.

Chairman.

1887. If you were to call upon the Nonconformist minister to perform any function in relation to the marriage in respect to its registration, would not that be making him a civil officer?—Undoubtedly; and that is where the difficulty arises, because you will remember, in 1836, the Nonconformist ministry had the opportunity of being put on the same footing as the clergy, and I believe you will find it recorded in the Report of the Commission of 1868 that they refused; only Quakers and Jews agreed to avail themselves of it, and the Nonconformists and Catholics refused, on the ground that they would not be officers of the State.

Chairman—continued.

1888. Have you had any experience of a register being voluntarily kept by a Nonconformist minister?—I have not at present. I believe in some chapels they do so. It is voluntary, and I know nothing of it.

1889. Have you ever known an instance in which any such voluntary register has been referred to for the purpose of completing any other register?—I have not.

1890. I understand you to say that in your opinion the great objection to any system of certificates such as is carried out in Scotland, and proposed in Mr. Perks's Bill, is the uncertainty of their return?—Yes, I think there is danger; I have said so.

1891. Beyond that you have no serious objection to it?—No; that is the main objection. I think, as Mr. Griffith-Boscawen has pointed out, or Mr. Picton, there is the difficulty as to securing the proper signatures of witnesses and parties and dates; you would have mistakes occurring in these respects as you do in the other system of registration in the Church of England, probably.

1892. Supposing ministers of any denomination were required to keep a register just as a clergyman keeps it, the disadvantage and danger of the non-return of the certificate would be mitigated, would it not?—Certainly; that is what I have pointed out.

1893. You are aware, are you not, that there is a penalty in Scotland for the non-return of the certificate?—Yes; I have the Act, I think. I remember about that. I do not know much of the Scotch system, but I believe it is in the Act.

1894. And that apparently, for that or some other reason, the system of the return of the certificate in Scotland has worked admirably?—Always qualifying it with what I understood that Scotch gentleman to say, that, so far as he knew, it had worked well; because I still point out marriages may have taken place that never came to the registrar's knowledge. He could not know by intuition that marriages had taken place. I am only aware of it from the evidence I have heard of the witness.

1895. The knowledge that that evidence has been given does not alter your opinion apparently as to the danger of doing it?—No, I think the danger is still there; it may be remote, but it is there.

Mr. *Carvell Williams.*

1896. I think you suggested the possibility that the minister, or the officiating person, might be induced to hand over the certificate to the contracting parties, instead of sending it, as he is bound by law, to the superintendent registrar; he would incur a penalty, would he not, if he did so?—Do you mean under Mr. Perks's Bill?

1897. Yes?—I do not remember that provision in the Bill.

Friday, 23rd June 1893.

MEMBERS PRESENT:

Mr. Griffith-Boscawen.
Mr. Jordan.
Sir John Kennaway.
Mr. Oldroyd.
Mr. Perks.
Mr. Picton.
Sir Francis Powell.
Mr. Carvell Williams.
Mr. Waddy.

MR. WADDY IN THE CHAIR.

Mr. CHARLES TOWNLEY, called in; and Examined.

Chairman.

1898. YOU are the Superintendent Registrar of Islington?—Yes.

1899. And you are the President of the Associated Registrars of England and Wales?—Yes.

1900. As such, have you taken considerable interest in this question of Nonconformist marriages?—I have for some two or three years.

1901. And have you mastered from time to time the legislation that has been proposed by different Members of Parliament, which has been put in the shape of Bills, which, in point of fact, have not passed the House?—I have done so, and examined the Bills, from time to time.

1902. How long have you filled the position of Superintendent Registrar of Islington?—A little over 12 years.

1903. In the course of your work, have you met with, and become familiar with, this alleged grievance on the part of the Nonconformists?—Largely.

1904. Is it, in your belief, a grievance generally felt by all Nonconformists, or mainly complained of by one particular section?—I have taken, through the association I represent, measures to ascertain the opinions in various districts, and a number of opinions have been sent in with letters from Nonconformist ministers; and while there are undoubtedly objections, and strong objections, without any reason assigned to the presence of the registrar, at the same time there is a very large percentage of opinion which seems to simply bear upon the question of inequality with the Church of England. I have here some recent letters, received a day or two ago from ministers, all to the same effect. They do not object to the registrar, and they make no complaint as to the present process of civil registration, but they would like to see the Church of England placed upon the same footing. That is emphatically, as far as I can discover, the view they take; and we have taken a very impartial way of getting at the truth, by asking everybody to express his opinion freely. If you examine

Chairman—continued.

these returns from various districts (*producing some returns*), you see they give their opinions very freely.

1905. What are those returns, I should like to see one (*a copy was handed to the Chairman*)?—These are returns from registration officers sent direct to our association. You will find they represent various parts of England: we do not rely upon one district, and these (*pointing to some returns*) are others that were collected by the Northern Counties Registrars Association.

1906. These that you have handed to me are collected under your own inspection?—Yes.

1907. Then we will, if you please, confine ourselves to those. Looking at them, they would appear to be simply extracts from, or condensations of, letters written to you by gentlemen in different parts of the country?—Yes, sometimes accompanied by letters from ministers, being replies to the registrar's questions.

1908. These would appear to be also answers to letters sent to the writers?—Undoubtedly.

1909. Sent by whom?—Those reports are replies to a circular sent out by our association to the superintendents of the districts.

1910. Would you kindly let me see the circular?—This (*handing in a paper*) is the circular.

1911. It is headed "Associated Registrars of England and Wales," and is dated "Islington Register Office, Liverpool-road, London, March 1893," and it is signed by "Charles Townley, Superintendent Registrar, Islington; Chairman, Associated Registrars of England and Wales;" and it is as follows: "Dear Sir,—The Government having, as we understand, expressed its intention of supporting a motion by Mr. R.W. Perks, M.P., for a Select Committee to inquire into Nonconformist marriages, especially with reference to the fees of registrars, the Executive Committee of the above association, with a view to a continuance of their very successful Parliamentary action in defence of the interests of registrars, would feel obliged if you would cause inquiries to be made either through your registrars of marriage, or by other means which may suggest

Chairman—continued.

suggest themselves to you, as to the number of Nonconformist ministers in your district who agree to, object to, or are indifferent to, the attendance of registrars at Nonconformist places of worship. A return with the numbers for, against, and neutral, would, we feel sure, have the effect of showing that the alleged 'grievance' has little foundation in fact, while it would be a powerful weapon in the hands of our Parliamentary representatives to defeat the persistent attempts of a section of the Nonconformists to repeal a good law, and deprive registration officers of their fees without compensation"?—I would add that the reference to "successful Parliamentary action" refers to the Bills of 1891, not to any Bill at present before the Committee.

1912. I do not think the Committee would care much about the "successful Parliamentary action" of former years. The question is with reference to this. Now that, as I understand, is a document published by yourself?—Yes.

1913. And the document that I have in my hand is the outcome of it?—Yes, it is the outcome of it.

1914. You cover with your district a very considerable district indeed?—A very large district, the largest in London, and one of the largest in England; not quite the largest in England.

1915. But, in addition to your own district, I understand that as chairman of the association you sent those out all over England?—To every district in England and Wales.

1916. And I observe that these reports come from very varied places; Alton, Hants, Basford, Notts, Belper, Derby, Berkhampstead, Herts, and Bucks, Bridport, Dorset, and so on?—Yes.

1917. How many of these circulars did you send out?—They were sent to every district. I am sorry to say that that is the only return we have, and it is a very small one, but that is partly accounted for by the action of the county associations, who on their part have done the same thing.

1918. How many of these circulars have you had printed and sent out?—The number would be over 600, there are over 600 districts.

1919. How many of these invitations to give evidence were circulated altogether?—Over 600.

1920. And now do I rightly understand that in addition to that a similar document has also been circulated in other parts of England by other societies?—Exactly so; and the registrars in those districts have made their returns to those associations. I have here the returns of one of the associations, the Northern Counties, which they forwarded to me.

1921. Have you served any district except your own with these circulars?—Yes, I explained that I had sent these circulars, or rather the association authorised me to send them, to every district in England and Wales.

1922. Having told us that, and given us these bundles of documents, some of which are not from your district, can you give the Committee a copy of any circular of a similar character sent out by any other association?—I cannot.

1923. Mr. Rutherglen was to have produced one, but we have not got it; have you seen Mr. Rutherglen's circular?—I think I must

Chairman—continued.

have had it, but I do not remember its exact contents.

1924. Was it to the same purport as yours?—By no means; that was with reference to the returns of Church registers.

1925. It is clear you and I are misunderstanding each other. I must begin again. In addition to that circular which you have just produced, I understood you to say that a similar circular to that had been sent out by other associations?—Undoubtedly.

1926. Now was Mr. Rutherglen's circular, which you say you have seen, of a similar character to the one you have shown us?—No, it was one asking for returns of errors in Established Church registers; it has nothing whatever to do with the opinions of Nonconformists.

1927. These reports before me appear to be arranged in alphabetical order?—Yes, they were entered in alphabetical order as they came in; they were really entered in an old blue book form for convenience.

1928. And altogether there are 34 of them?—That is all I have received with this exception, that within the last day or two some returns have come from West Ham which are here in the form of ministers' letters; they are not in that list. I will put those in if you wish it; there are two bundles here. Allow me to say that that circular is not a public circular, but a private circular to members of the association.

1929. The Rev. C. Forth is not a registrar, I suppose?—Undoubtedly he is; we have several ministers that are registrars of marriages, in Wales largely.

1930. I do not in these reports see the name of the person put down in most of the other cases, but simply the substance?—If that minister is the one who states that he will be thrown out of some occupation, he, I know, is a registrar. I am not aware of any but registrars reporting.

1931. I will read it to you in a moment; you will see what I mean?—There is no return there from my own district; no return about the feeling in my own district, which I should like to say a word about.

1932. Let me call your attention to this. You begin by saying that in the case of Alton, Hants, "Mr. Waters reports"?—Mr. Waters would be a registration officer.

1933. Now we go on to Basford, Notts, and there the Rev. C. Forth reports?—That would be a registrar.

1934. He is a registrar, is he?—Yes.

1935. You do not give the name in every instance; you do in some?—In some the superintendent reported the opinion of other people. Of course that document is a summary.

1936. These reports are summaries?—Summaries, decidedly, of the letters sent in. I only put these in just as evidence that I have taken means to inquire as far as I could the opinion of Nonconformists on the question.

1937. I will take the second one here; have you got here the report of the Rev. C. Forth?—No, I have not; I have the letter at my office, I believe. I believe that almost the substance of his letter is in the document before you.

1938. Have you got here the report of Mr. Waters?—No, I have not; I have none of the

Chairman—continued.

original reports here. I can present them to you if you wish it. I have seven letters here from gentlemen of West Ham; those are of recent date; some of them came this morning (*handing some letters to the Chairman*).

1939. These are the opinions of certain ministers, are they?—Yes, in that district.

1940. Are these all that you have had during that time, or have you picked them out from others?—No; that is the complete number I have received.

1941. The first is from James Knaggs?—Yes; Stratford Congregational Church, I think you will find.

1942. He writes: "In reference to the attendance of the registrar at marriages in our church, I emphatically prefer the present arrangement. I have never been put to any inconvenience by it. I would prefer, however, that there should be no difference between Nonconformists and Conformists, but that the registrar should attend all marriages." The next is from James Wright, Minister of Methodist Free Church, 3, Claremont-road, Forest Gate: "I am not at all opposed to the presence of the registrar of marriages; on the contrary, I am directly in favour of it. But I think the registrar should be present at all marriages, whether in the Church of England or Dissenting Churches, as a State official." Then W. Hetherington, Minister of Wood Street Chapel, writes from Walthamstow: "Dear Sir,—I have never felt any objection to the presence of the registrar at the marriage ceremony in our Nonconformist places of worship. Neither do I in any way wish to become responsible to the State for the keeping of a register of marriages. In every case I think the registrar should be a State official, and in no case a clergyman." Then G. T. Ennals, of Leytonstone, says: "Referring to the agitation now taking place in reference to the attendance of registrars at Nonconformist marriage ceremonies, I may say that after 27 years' experience, I have no wish for any alteration in the law. Personally, I should strongly object to doing the work of registration, and becoming as a Nonconformist minister a State official. If any alteration be made, I think it should be in the direction of making the attendance of the registrar compulsory at all marriages." I understood you to say (just tell me whether I am right or not) that these letters which you now put into my hands are not a selection, but are all the letters you have received during the last few days, and are presented by you as being a fair representation of the general view?—Those letters in your hand I have received in the last two or three days from the Registrar of West Ham. They are evidently not his entire returns, because he has written to me saying that he expects to receive some more. They are all I have received from him, to the present moment.

1943. You received these from the registrar in answer to the circular stating that the Committee was to inquire especially with reference to the registrar's fees?—The circular mentions the subject of the fees.

Mr. *Perks.*

1944. Have you not within the last few days written to the West Ham Registrar to ask him to furnish letters, particularly for your evidence here?—No; that collection of letters is sent by him in answer to a circular dated March.

Mr. *Griffith-Boscawen.*

1945. Do you believe that any other answers different in tenor from those have been received by the Registrar of West Ham?—You will find in that list which the Chairman has that the reports in some of the districts are decidedly in support of the view that there is a grievance, the majority of the ministers objecting to the presence of the registrar.

1946. But you do not believe, in West Ham, that any different answers from those have been received?—I have no means of knowing.

Chairman.

1947. At first I understood you to say that these were all that had been received, and now it turns out instead of that being so, that these are some which the registrar of the district has sent on to you. I understood you to say that these were some of those which had been received by the registrar, but certainly were not all?—I said that the registrar had stated in his letter to me that he expected to receive more, and he asked me if they would be too late. I think that letter is here.

1948. Do you represent that these letters are all which have been received, or do you not?—All that have been received by me.

1949. That we know; but do you believe these to be all that have been received by the registrar or not?—I have only his assurance for the fact; he sends me those as being the responses to the circular. Those letters, I may observe, do not represent in number the number of ministers in that district.

1950. These are all that you have received from the registrar; that is the first point?—That is so.

1951. Do you mean to say that these are all that have been received, in your belief, by the registrar?—As far as my belief goes. I do not know anything to the contrary.

1952. Is that what you believe?—I suggest to you that my circular means that the whole of the information should be sent.

1953. Do you mean to represent that these letters, according to your view, represent all that have been received by the registrar?—I do not know. Allow me to explain. The batch you have there came two or three days ago; the registrar sending me some and promising me more, and saying he was afraid they would be too late. He sent a second batch this morning.

1954. On behalf of the society which you represent have you any statement to make to this Committee with regard to the maintenance of the existing system?—Yes; we have to say that as registration officers familiar with three systems of marriage registration in this country, having long experience and having ample opportunities of examining the details of that registration, we are unanimously of opinion that there is no form of registration so perfect, as far as

England

Chairman—continued.

England and Ireland and Scotland are concerned, as what is known as civil registration in this country. Of course it almost touches the question of policy when we suggest to the Committee that it is not desirable to remove a good system and try an experimental one unless the good system is found wanting; but still we do take that position. Further, as other witnesses have made complaints; I allude particularly to the Reverend Mr. Myers and Mr. Slack, I think who, representing Nonconformist bodies, have made complaints against registrars, certainly without anything like proof. I should like to say that registration officers generally consider it rather a hardship unless they are to be heard in defence; and I have recently received letters from some of them making complaints because they think that they are not to be heard by this Committee on the subject.

1955. On what subject?—On the subject of these complaints.

1956. Have you got any letter from any person who has been indicated in any of the evidence as having done wrong?—No, I have only one letter, and that is from the secretary of one of the county associations, who seems to think that the witness, the Reverend Mr. Myers, had made some exaggerated statements; something of that sort.

1957. Is that the Ormskirk one?—No; the letter I refer to is from Mr. Grime, of Bury, Lancashire, who is the secretary of the association.

1958. Have you got that letter here?—No, I have not; I did not think it material to the inquiry.

Mr. *Picton.*

1959. Have you anything to say in answer to the complaints that were made as to the conduct of the registrars in certain instances?—I can only speak with reference to my own district, in which we have a very large population of 319,000, and a large number of Nonconformist churches, and in the whole of the 12 years I have never had more than two complaints of non-attendance of registrars; in each of those complaints it was found that on inquiry that the person who complained had failed to give the notice to the registrar. It has been stated also by witnesses that the registrars made the time suit the registrar's convenience. That I quite fail to understand as far as it relates to my district or any other large district, because our system is, wherever possible, to give the minister preference as far as the circumstances permit, but there may be cases where three or four persons may want to be married at the same time, in which case there is generally a friendly conference and the thing is arranged. I have never found the slightest friction on the subject. But I wanted to state, first, that as to the general conduct of registrars at places of worship I believe my district is not the only one in which it is insisted upon that the registrar should treat every person with the greatest courtesy, that he should never intrude himself in any religious ceremony or sit in a conspicuous place; that he should simply act as a sort of clerk to the minister. I have never had a complaint of any

Mr. *Picton*—continued.

officer disregarding that instruction, and in my experience of Nonconformist ministers I have never found that they have made any complaints of the sort. There is a very obvious reason why the registrars should attend to these instructions, inasmuch as it is a question of profit to them to be as amiable as possible. They often get gratuities from the parties; and if they made themselves offensive I do not think they would get any gratuities; it is their interest therefore to attend to those instructions.

Sir *Francis Powell.*

1960. Do they get any gratuities besides fees?—They receive them if anybody gives them of course.

Mr. *Oldroyd.*

1961. Are they allowed to receive them according to the regulations?—There is no regulation against a gratuity. That does not only apply to the registrar, but to the minister; and I am informed that in most of the districts, and certainly in my own to some extent, if the parties show any neglect of their minister, the registrar generally suggests in a friendly way that the minister is entitled to some recognition on their part.

Chairman.

1962. Can you by yourself now, or by anybody else hereafter, contradict anyone of the cases of inconvenience that have been specified to us?—I cannot inquire till I know the fact.

1963. But you have been present here all the time, I think?—I did not take the names or dates, and so on that were given. If those are given me, I will ascertain everything I can about the cases.

1964. I have looked through your *précis* carefully; I think I am putting it fairly, am I not, when I say that the general drift of it is an argument, and a strong one?—Yes.

1965. In favour of insisting upon civil registration in the churches as well as in the chapels?—Undoubtedly. I have a very strong opinion on that subject, which is supported by a document I have here.

1966. Supposing for a moment that we should arrive at the conviction that the resistance of the Church of England or any other cause renders it practically impossible to put the registrar into the church, have you any suggestion whatever to make to do away with the present unequality between church and chapel?—I can only speak officially, and with the official mind. I have nothing to do with church policy, nor do I wish to have anything to do with it.

1967. That is not my question. Have you any suggestion whatever to make either officially or personally in any way?—I do not quite understand the question, unless you mean to say that I am to propound a new theory of registration.

1968. I do not care whether it is new or old?—I decidedly stand by what we consider good, to let well alone.

1969. Will you kindly attend to my question. Your first suggestion is, that there is an alleged

Chairman—continued.

grievance in consequence of a want of similarity between church and chapel?—Yes.

1970. Secondly, you propose to remedy that not by taking the registrar out of the chapel but by putting him into the church?—No, I do not propose any remedy for any grievance; that is just the point. I only say, as a registration officer, that I have in my knowledge a very perfect system of registration, and that I should be sorry to see that system swept away from any denomination. It is not my business to suggest a reform of registration; that is the business of the Legislature.

1971. Whether it be as a registration officer or as a private individual, you do, in the whole of these papers suggest, as you told me just now, that the proper thing, the best thing to do, would be to put the registrar into the church?—I say that if it were possible the best thing to do would be to extend civil registration to every marriage in England.

1972. Is that the same thing as putting the registrar into the church?—It means putting him everywhere. There are the Jews, the Quakers, and bodies of that kind to whom it applies as well.

1973. I must beg you to attend to the questions and answer them. You have told me that in this *précis* of yours the general drift of it all is to put the registrar into the church; that is so?—That church or any other that performs marriages.

1974. Into every church?—Undoubtedly.

1975. That is the second proposition. Now supposing that we should be of opinion that however theoretically desirable it may be to put the registrar into the church it is practically impossible, can you or can you not suggest any method, except perhaps that in Mr. Perks's Bill, by means of which the inequality may be done away with?—I can suggest no means about the inequality because if it is impossible to put the registrar into the Church of England you simply create a new inequality by putting him somewhere else or removing him from somewhere else or making a different system.

1976. Then you cannot suggest any method?—I am in favour of uniformity in the Marriage Law.

Mr. *Perks.*

1977. Can you suggest any other mode?—I can suggest no safe mode.

1978. Excepting this, which is in my Bill?—Civil registration I consider is the safest mode.

Chairman.

1979. I will try one more point. Has it occurred to you that the same officers might be used for the purpose of registration, but that the registration might be effected not by the present system of sending the registrar to the marriage, but by registration at the office of the registrar?—Exactly. That is consistent with the present law by which any person may have the civil portion of the marriage at the office.

1980. That is not what I asked; that has nothing to do with it. I want to know has it ever suggested itself to you, altogether apart from the ceremony of the marriage, whether it would it or would not be possible or desirable to establish a system of registration by the same registrars that you now employ, but not to send them into the chapel or church?—I can only suggest that such a thing might be possible if the contract of the marriage were signed somewhere else, either in the registrar's office or in some other place or in some portion of the building.

1981. But why is the contract of marriage to be signed in the presence of the registrar any more than any other contract in the world?—I only know from my common knowledge that in England the contract of marriage is very exclusively guarded by the law, and that we consider it from an official point of view the most essential part of the contract, as far as law is concerned. I cannot suggest any system by which we should remove the contract of marriage from the marriage ceremony.

1982. You cannot separate the contract of marriage from the marriage, because the contract of marriage is the marriage?—I go a little further than that: The Statute makes the contract of marriage essential to the other portion of the ceremony.

1983. I am not talking about what the Statute does in the case of Nonconformist marriages, which are the creatures of Statute at present, because if we do anything we are going to alter the Statute?—I am not here to suggest the alteration of the Statute, but I am here to give you evidence as regards the present system, and why I consider it is a good one, and should be retained.

1984. I am putting alternatives. You tell us you cannot suggest any way of getting rid of this alleged grievance at all?—I candidly say that it is a most difficult subject, and it requires the most careful consideration, which I have not given to it, as it is not my business to create the laws.

1985. If you have not given consideration to the matter there is an end of it?—I mean that I have not given consideration to any new scheme of marriage registration. I have only given consideration to the present scheme, which I have to administer.

1986. Births have to be registered, have they not?—Certainly.

1987. You do not call upon the registrar to be present at the birth?—There is a difference between a birth and a marriage.

1988. I hope so?—I mean the proof of the marriage alone will cover any innuendo of bastardy, or anything of that sort.

1989. That is the consequence of it; that, we have nothing to do with. There is a registration of birth, absolutely necessary by law, is there not?—Yes.

1990. And also of death?—Yes.

1991. Now, will you be good enough to tell me, why is there any difficulty or impossibility which would prevent the adoption of a system of registration for marriages analogous to the system of registration for births or deaths?—I do not think it is impossible.

1992. Then what is the objection to it, if it can be done?—I do not know that it is proposed.

1993. Tell me any objection that you, as a registrar, can mention now?—I can see no objection to it if it is properly safeguarded. I wanted

Chairman—continued.

wanted, if you will permit me, to make one remark in explanation of something that has previously occurred in this Committee. Reference has been made more than once to the licensing fee for churches, the marriage license fee, and the sum of 3*l.* was stated as the amount paid. It is perfectly true that the sum of 3*l.* is paid, but out of that sum the registrar is compelled by Act of Parliament to publish an advertisement in the "London Gazette," and in a newspaper circulating in the county in which the license is given, and that eats up above one-half of the fee.

1994. The objection made to that was that it is a tax upon the chapel?—It is not so large an amount as it seems. I refer to the evidence of the gentleman from Ireland, who stated that they received a pound.

Mr. *Picton.*

1995. Have you attended yourself at marriages for the purpose of registering them?—No.

1996. However, from what you have heard, perhaps, you may be able to answer another question: is it possible for the registrar to remain in the vestry entirely while the marriage is going on, and then to register it?—He must, according to the present law, hear the declaration. Whether he hears it through a window or from a vestry with a door open does not matter in the slightest as long as he hears it; and I may say that in some Roman Catholic Churches that declaration is not made in the church at all, but very often taken in the vestry.

1997. Before or after the ceremony do you mean?—After the ceremony.

1998. Then according to that, the previous service that takes place in the Roman Catholic Church is no marriage at all in the eye of the law?—It is only a portion of the marriage. The proper way to look at it is that both the declaration and the religious ceremony are one marriage, and any mere part of them would be ineffective and void.

1999. But those statutory words, "I solemnly declare that I know not of any lawful impediment," are the essential part of the marriage?—Yes.

2000. And do you say that those words are uttered in the vestry after the service at some Roman Catholic marriages?—Yes, very often; but they must be uttered in one portion of the licensed building; they could not be uttered in a detached schoolroom, for instance.

2001. You tell us that they had not been uttered during the religious service previously?—Yes, that is so; sometimes they are forgotten.

2002. With regard to the other statutory words, "I call these persons here present to witness," and so forth, are those words also uttered in the vestry?—Yes, those words are uttered in the vestry.

2003. After the service?—Yes.

2004. Then the case is this: that the religious service precedes the civil marriage?—In that case it is so; it is quite possible, if they choose, to alter the words before the marriage.

2005. But you tell us that such cases do occur?—They have occurred.

Mr. *Picton*—continued.

2006. Especially in Roman Catholic churches?—Yes. You see the Roman Catholic service is a Latin Service, and sometimes the priests, especially foreign priests, forget to interpolate the declaration required by law.

2007. Would you see any difficulty in so altering the law that the registrar would not be required to hear those words uttered in church at all, but should attend in the vestry to register what had taken place; do you see any practical difficulty in that?—I see no practical difficulty.

Mr. *Griffith-Boscawen.*

2008. I want to ask you first about those minister's letters at West Ham. Am I right in supposing that this is the true state of affairs. Those are all the letters which the Registrar of West Ham sent to you in consequence of your inquiry; and, as far as you know, they are all that he has received himself?—Yes.

2009. That is a correct statement, is it?—Yes, that is a correct statement.

2010. Now, apart from that, I think I am right in saying that you are here on two considerations; first of all, to defend the financial position of registrars; and secondly, with a view to securing the maintenance of good and correct registration?—Decidedly.

2011. Now, as far as the first consideration goes, would you, and those whom you represent, be satisfied if adequate compensation were given to you for any loss entailed by a change of the law?—We consider that, as public servants who have not done any wrong, and who have been devoting our lives to this vocation, it is very hard upon us to throw us out of employment and leave us to starve practically.

2012. I say would you be satisfied with adequate compensation?—We should be undoubtedly satisfied with adequate compensation. We are only creatures of the State.

2013. And your view is, that having adopted this vocation, and having devoted your lives to it, you ought not to be suddenly thrown out of your means of livelihood by a change in the law without compensation?—Exactly so.

2014. Let us now put aside the financial aspect, and look at it from the point of view of correct registration; I understand that from the point of view of correct registration you are opposed to any change of the law except making marriage in the presence of a registrar necessary in all cases?—I do not say in the presence of a registrar; I say that there should be civil registration in all cases. I do not define the way in which it should be done; I do not suggest any way in which it should be done, if it is done at all. That should be the tendency of it; I mean if there is to be reform it should be in that direction.

2015. By civil registration am I right in thinking that you mean the registration which takes place with the registrar actually present, the registrar and the parties actually present at the same moment?—I mean that the contract of marriage should be supervised by some State official in the interests of the protection of the public, and I have reasons for stating that, because a case or two has occurred in my district showing that it would be very necessary.

Mr. *Griffith-Boscawen*—continued.

2016. Do you think it would be necessary that the registrar and the parties and the witnesses should be present at the time when the registration occurs?—I think that is the best way to secure a perfect registration.

2017. Except in the cases of the Church of England and Jews and Quakers, that is what is done now?—Yes.

2018. Are you aware that under Mr. Perks' Bill there would be civil registration?—Of a very imperfect character.

2019. That is the point I want to get at. Do you consider that the civil registration under Mr. Perks' Bill is perfect or imperfect, and if imperfect, in what respect?—Its danger is especially in the registration being effected by means of sheets which are to leave the custody of a State official to go into the hands of an irresponsible person; that is to say, one of the parties to the marriage; and then to be brought back at the option of one of those parties, who may destroy the document, lose it, or probably never use it at all.

2020. Do you think that the proposal would almost certainly lead to very imperfect and very bad registration?—It would be dangerous to registration. I have such a strong opinion on the importance of the proof of the marriage contract that I think if the evidence of the marriage contract were lost in that way and there should be no proof of marriage, it would be a most terrible thing to the parties concerned and irreparable. That is impossible under the present system.

2021. You have heard that there are a good many mistakes made in marriages in the Church of England?—Yes.

2022. Those mistakes are serious, but I take it that they are not so serious as the mistakes which might occur under Mr. Perks' Bill?—No, they are not for this reason: the registers are duplicates in the Church of England, and there is a third document copied for Somerset House; and although those three entries very often disagree yet amongst them they contain a substantial evidence of the contract. I have a book here which would explain it. If the signatures should not be on one entry in one book they may be in the other; and there is certainly the protection of the contract.

2023. Then you are distinctly of opinion that there is greater danger to correct registration in this proposal in Mr. Perks' Bill than there is now in the case of marriages celebrated in the Church of England?—Decidedly; that sort of registration would have to be tied up with penalties all round on the parties.

2024. Have you read the penalties imposed in Mr. Perks' Bill?—There is only a penalty of 10*l.*

2025. You do not think that sufficient?—I do not.

2026. Another proposal made is that instead of Mr. Perks' proposal being adopted, the Nonconformist minister performing the marriage should be placed on exactly the same footing as the clergyman of the Church of England, and should himself be the registrar, should keep a register book, and that the entries should be in duplicate, and so on, as in the Church. Of course I know that is not civil registration; but from the point of view of correct registration, do you think that would be more likely to be efficacious than Mr. Perks' plan?—Undoubtedly better than Mr. Perks' scheme, but not so good as the present civil registration.

Mr. *Griffith-Boscawen*—continued.

2027. And though you are strongly impressed with the advantage of civil registration you think that registration by a Nonconformist minister would be infinitely preferable to the imperfect civil registration of Mr. Perks' Bill?—Undoubtedly.

Mr. *Picton.*

2028. Will you state the nature of the incidents to which you alluded in answer to Mr. Griffith-Boscawen when you spoke of dangers that arose in your own knowledge that were only prevented by the registration system?—I had a case in my district some six years ago where a Scotch minister married two persons of his church without giving any notices to the civil registrar. The minister entered the marriage in his pocket-book. Some two or three weeks afterwards he came to me and tried to effect some registration of the marriage, and then it was found of course that the marriage was void; and this gentleman asserted his right as a Scotch minister to do pretty well as he pleased in this country. Complaints were made about it; and I am sorry to say that the poor woman who was married died almost immediately afterwards, in childbirth, before another marriage could be effected. The persons in that case were brought from Scotland, and without any residence married in that way: and if you permit any person to perform a marriage, as Mr. Perks' Bill suggests, there would be danger of similar things occurring.

Chairman.

2029. What was the name of this Scotch gentleman?—Forsyth, a very respectable minister.

2030. Where is he minister now?—The Caledonian Church, Holloway, is his church. He had a religious notion of his position which was rather different from the English law.

Mr. *Picton.*

2031. Have you any other incident to mention?—It is reported that that same gentleman had done something similar before I took office, but as I do not know the circumstances of that case, and it is only incidentally mentioned in the report of the Registrar General I cannot go into into it.

2032. That is all you can tell us in the way of instances?—That is all.

2033. Then is your suggestion this: that if it were not necessary for the registrar to be present ministers might make the entry in their pocket-books?—I mean this: that ministers take their own notions of what is meant by a marriage contract, and might perform marriages which would be somewhat similar to the Fleet marriages of years ago.

Mr. *Jordan.*

2034. You say that you are here for the maintenance of a principle, what is the principle?—I say that as a citizen, not as a registrar. I am here for the maintenance of what I consider is a good

Mr. *Jordan*—continued.

good principle, that of civil registration. As an expert in marriage registration I say that is the best system we know.

2035. Taking this system that we have, do you call it a principle; do you call the Statute law by which you register marriages now a principle?—It embodies a principle.

2036. It embodies registration, of course; I admit that, but is the law you register under now a principle or is your principle now your pecuniary interest?—My pecuniary interest in this matter is quite subservient to my patriotism as a citizen and my duty as an official to point out to any Committee, or to the House itself if necessary, what I consider the best kind of registration.

2037. Are you not here mainly to represent the pecuniary interests of the registrars and superintendent registrars?—No, not mainly; in fact, I do not represent the pecuniary interests at all here, because I do not think that this Committee has any power to consider that.

2038. You have said, I think, that you are here in relation to your fees?—I suggested it was a very important question to the registrars because of the effect on the fees.

2039. You said you were here in relation to the fees and compensation?—I do not recollect putting it in those terms.

2040. Assume that you have an interest as well as a principle at stake; apart from your own interests, do you consider that the Nonconformists have a grievance in reference to the attendance of registrars at marriages?—I know that they have a grievance because they state it, but I am not a judge whether that is a real grievance or not, and I do not desire to be.

2041. Are you not prepared to take the word of these gentlemen that they have a grievance?—Decidedly so.

2042. Are you prepared to throw any doubt on anything these gentlemen say?—I cannot be a judge as to whether it is a real or an unreal grievance, as a registrar.

2043. Do not you believe that it is considered a grievance?—I believe that these gentlemen consider that there should be equality in the marriage laws; that is all I know.

2044. I ask, would you believe these gentlemen when they said they had a grievance?—Yes, I stated what I believed the grievance was.

2045. If they have a grievance, would you still refuse them redress merely to protect your own interests?—Oh, dear no.

2046. Do you say that the majority of the Nonconformists do not object to the presence of the registrar at marriages?—As such; but they object to the principle on which he is sent there, as I understand it, and the want of uniformity.

2047. Do you maintain that the majority of the Nonconformists do not object to the presence of the registrar at marriages?—In my district I can only find two ministers who object to the system, who object to the registrar as a registrar.

2048. I am certain that in the main your registrars are very fairly respectable, and that the Nonconformists have nothing against them personally?—But I am speaking of the system.

2049. I am speaking of their presence during the celebration of marriage; do they not object to that?—They do not object to the system to the extent you might think.

2050. I ask again, do the majority of the Nonconformists object to the presence of the Registrar at marriages?—I should think so.

2051. And is it your opinion that the Nonconformists as a whole desire to put the registrar into the Church of England at the marriages in the church?—I should think that 75 per cent. of the gentlemen complain simply of inequality, and say they have nothing whatever to say against the system and its operation.

2052. I did not ask you that; I simply asked you this: Do the Nonconformists, as a whole (because we have had evidence on the point here), in your opinion desire to put the registrar into the church at the time of marriage?—I feel unequal to speak for the opinion of Nonconformists as a whole.

2053. In your opinion, is it the case that they wish to put the registrar into the Church?—I have already said that there is a strong opinion that there is an inequality, and that is the basis of 75 per cent. of the grievance.

2054. I want to ask you a specific question: Is it your opinion that if there be any change made, it should be that the registrar should be put into the Church at the time of marriage?—I have already said into all churches.

2055. And that specific church?—I have nothing to do with that specific church; I have only to do with our law, and I do not wish to suggest any application of it.

2056. Is it your opinion that if any change should be made through Mr. Perks' Bill, or any other, the change should be, not that the registrar should be taken out of the Nonconformist place of worship, but that he should be put into the Church?—I do not suggest the mode in which the change should be made, or whether the registrar should go into or out of the churches; that is a question of detail which the House of Commons might settle.

2057. I am asking your opinion, if that was suggested. Do you think that any person at this time of day would seriously suggest that the registrar should go into the Church?—He might suggest anything.

2058. But I mean seriously suggest?—I should not suggest it.

2059. Do you think that such a measure as that could pass this present Parliament?—I really cannot answer that question. I am not the custodian of the opinion of Parliament.

2060. I want to ask you further this question: To correct registration, do you consider it necessary that the registrar should attend the marriage ceremony?—I certainly do.

2061. Do you maintain that more errors would occur under such a Bill as Mr. Perks' than can at present occur through the ceremony in the Church of England?—It is impossible to tell, you see. One is in operation and the other is not in operation. It might turn out to be a very good measure.

2062. At any rate, having reference to the law relating to Jews and Quakers, and the state of the law in Ireland, and the state of the law

Mr. *Jordan*—continued.

in Scotland, do you consider that without the attendance of the registrar at marriages, satisfactory registration may be secured?—I say that the laws of Scotland and Ireland are not relative to the laws in this country. They are utterly different. I have examined the system in Scotland, and I am aware that the system there is somewhat in the form of the suggestion of Mr. Perks' Bill; but there is this difference: that the law of Scotland, what we call the barbaric law of Scotland, covers any defect made under it.

2063. We have had evidence from Scotland and from Ireland here latterly, and the evidence was that the system of registration there was fairly and fully satisfactory. Now, in view of that state of affairs, would it not be possible that in England a similar satisfactory state of things should obtain without the registrar being present at the marriage?—I dispute the statement as to the satisfactory character of the Scottish registration from my own examination of it. There is one important point in which it differs from the English law, for instance: the English law is directed, and always has been directed, to securing the rights of guardians and parents over minors. They have no such law in Scotland, I found. You could take a girl 12 years old in Scotland and marry her in defiance of her father. The English law is so formed as to check that sort of thing; and the civil registrar is the officer whose duty it is to see that the parents' consent is obtained to the marriage of a minor, and that the persons do not represent themselves as majors when really they are minors.

2064. You said that you would not recommend putting the registrar into the Church of England; you have also said that you would oppose the withdrawal of the registrar from the Nonconformist marriages; then how, I want to know, would you have equality between all Her Majesty's subjects in relation to the law of marriage?—I have scarcely said that. I say that the present system is a good one, and as long as it is a good one I am satisfied with it; but as to any experimental alteration I cannot suggest any means to this Committee or anybody else; I do not consider it is my duty to do so.

Mr. *Jordan*—continued.

2065. Then you would maintain the inequality between Her Majesty's subjects that now exists?—I do not say so. I say that the safety of civil registration that exists now should extend to all marriages in England.

2066. That is by putting the registrar back again into the Church of England?—He never was there. The Church of England has a registrar, namely, the clergyman, who is responsible to the Registrar General.

2067. Would you recommend that all round, that the Nonconformist minister performing the marriage should be responsible to the Registrar General?—I do not recommend it.

2068. Then you simply maintain the inequality between the Church of England and all the other denominations. Are you registrar of births and deaths?—I am superintendent registrar of births and deaths.

2069. Are those satisfactorily registered?—Yes.

2070. That is without the presence of the registrar at either birth or death?—I beg to point out the difference: the one is a marriage contract which has to be made in the presence of parties. In the other case the registration of birth is the registration of a simple statement.

2071. But if you are compelled by Statute to register births and deaths, and do so fairly satisfactorily, as you say, could not the same course be adopted in relation to marriages, and might you not also have them fairly and satisfactorily registered?—It is perfectly open to the ingenuity of the Legislature, or anybody else, to propound a system which should have that effect; but I cannot say that I have any idea what the system would be.

2072. I am putting it as a matter of inference. You have one set of registrars for births and deaths and register them correctly; could you not register marriages as correctly without the presence of the registrar as you do register births and deaths?—I am not a lawyer, but I should suggest that any contract between parties must be made in the presence of those parties.

Friday, 30*th June* 1893.

MEMBERS PRESENT:

Mr. Griffith-Boscawen.
Sir John Kennaway.
Mr. Oldroyd.
Mr. Perks.
Mr. Carvell Williams.

SIR JOHN KENNAWAY, IN THE CHAIR.

Mr. CHARLES TOWNLEY, again called in; and further Examined.

Mr. *Perks*.

2073. I WILL trouble you with one or two questions consequent upon your examination last time. Have you considered what suggestions you could make to secure the due registration of marriages which are not included in this Bill, assuming that the registrar is dispensed with?—You ask me for an opinion as to the method?

2074. First of all, I presume you have considered the general scheme of this Bill?—Yes; thoroughly.

2075. Now are there any precautions which you think, assuming the registrar does not attend, might be taken to improve the scheme. For example, just to show what I mean, we have been told that there is a danger of the loss of the certificate upon its being delivered to the parties intending to contract the marriage, instead of being sent direct by the registrar to the minister who will officiate; is that a sort of precaution which you think would perhaps strengthen the scheme?—It is not so much a suggestion of the loss by non-delivery, but loss by negligence after the marriage, say, by the custodian of it, whether the minister or the parties. The possible loss, or overlooking, or destruction of the document is the greatest danger I see under the system suggested by your Bill.

2076. Then you do not think that there is much danger of the contracting party who is going to get married losing the certificate which would be his authority to get married?—According to my experience the public are not so quick to learn the laws and regulations as they might be, and I fear there is a danger of the party omitting for some reason to bring that document back, and still thinking the marriage complete without it.

2077. I had not reached that stage yet in my question. You probably think that he would take as much care of his certificate, which would be his authority for getting married, as he generally takes care to see that he has the wedding ring in his pocket?—Yes.

2078. Then the danger, you think, is after the wedding, in regard to that certificate getting back to the registrar from whom it is issued?—Assuming that the person married retains one duplicate as suggested by your Bill, I do not see much danger of the loss of that; but it is the document left with the minister, or with some other person, to send to the registrar which may be overlooked; and, in fact, it is provided for in this Bill to the extent of three months' omission. It may be overlooked, and at the end of three months he may be unable to find it.

Mr. *Perks*—continued.

2079. That is true, but would that difficulty be obviated if the register at present kept in many of the Nonconformist chapels were made the document which was signed by the contracting parties, the certificate which goes back to the registrar being simply an attested copy of what is entered in the book?—That would practically be the registration of the Church of England, would it not?

2080. No. You may remember that in registration in the Church of England there is no document prepared by a registrar at all?—No; the clergyman is the registrar under the Act.

2081. The clergyman, you say, is the registrar under the Act; and, therefore, there are only two parties to the business, the clergyman and the contracting parties to the marriage?—Yes.

2082. But in this case a certificate comes from you or your subordinate and goes back to your subordinate. You see the difference, do you not; you see that there are three people concerned in one case in securing a perfect registration, and only two in the other?—Yes, I see that.

2083. Is not that an additional precaution?—I do not quite understand the question. If I assume that you mean that Nonconformist ministers are to keep registers, as is done now unofficially; I think, for instance, in the Wesleyan body they keep registers, and in some of the Presbyterian bodies.

2084. What do you mean by "unofficially"?—I mean not recognised by the law; it is optional with them to do it.

2085. No, they are bound to it by the regulations of their churches, but it is optional as far as the State is concerned?—I mean that. If you mean that they are to keep registers recognised by the State, I think that would be greatly to be preferred to a system which allows of loose documents going about.

2086. My question was directed to this: whether, after the explanation I tried just now to give, you still thought that the system as proposed was the same as that of the Church of England?

Mr. *Perks*—continued.

England? — No, I do not now; I see the difference.

2087. Only one point further; you said you were afraid that this Bill would knock all your income on the head, and that you would starve? —That was a general expression, more applicable to the registrars of marriage than to myself as a superintendent registrar.

2088. It would not apply to you as a superintendent?—It might be possibly a rather strong figure of speech.

2089. Might I ask you how much you receive at present; what is your net income, if I may ask the question, from Nonconformist marriages? —I could scarcely give you that; I could give you a rough estimate.

2090. Roughly, what is it?—For Nonconformist marriages I issue about 200 certificates in the course of the year; the emolument I receive from them would be at the rate of 2*s.* for each; that is without license.

2091. That is 20*l.*—Yes.

2092. Now, are those certificates which you issue after the wedding, or simply preliminary to the wedding?—The 2*s.* is made up in this way: 1*s.* for the entry of the notice, and 1*s.* for the certificate issued.

2093. So you would lose 20*l.* a year?—Yes.

2094. Is your district a large one?—Very large.

2095. How many people are there, do you suppose, in it?—Three hundred and nineteen thousand.

2096. And how many places of worship?—Do you mean including the Established churches?

2097. No, exclusive of the Established churches?—I can give you the exact numbers; I have them here. There are 56 licensed Nonconformist places, and 37 churches.

2098. And a population of 300,000?—Three hundred and nineteen thousand.

2099. And your loss would be, if this Bill passed, you think 20*l.*?—No; a little more than that. As I understand your Bill, although that clause seems to be rather equivocal, there is a suggestion there that licenses should be issued at 5*s.* According to the present system, I receive fees on a license amounting to about 30*s.*, and if licenses are reduced to 5*s.* for Nonconformist places of worship, you may take it as almost a necessity that other persons, the persons who now take civil licenses for Register Office marriages, would go to a Nonconformist place of worship; so that we should lose then the whole of the license fees for civil marriages.

2100. You would lose the difference between 5*s.* and 30*s.*?—No. I should assume by the new system that I should lose the whole of the civil license fees.

2101. What would that come to in your case? — About 200*l.* a year I should think.

2101.* May I put it in this way: that the scheme of this Bill was, so far as the ordinary marriage is concerned without license, to reduce your fees by knocking off the 5*s.*?—But you are now speaking of the registrar of marriages?

2102. Yes, of the registrar of marriages; and you told us that your loss from that reduction would be 20*l.*, because instead of getting 7*s.* 6*d.* you would now only get 2*s.*?—No, that is not

Mr. Perks—continued.

quite the fact. I am superintendent registrar and the only emolument I receive at the present time for Nonconformist marriages without license is 2*s.* for entering the notice and issuing the certificate.

2103. And you say that if the Bill passes you would lose by knocking off that 2*s.*, 20*l.* a year? —Yes.

2104. Now I want you to tell us how much you would also lose if your license fees for marriages by license were reduced from 30*s.*, which you get now, to 5*s.*?—If I received 5*s.*, then I should lose 25*s.* on every license.

2105. And how many do you have in a year? —I issue about 130.

2106. For chapels and churches?—No; the majority would be in the case of marriages at the Register Office. I may say that Nonconformist places of worship seldom have marriages by license; I do not suppose that I issue more than three such licenses a year.

2107. And, therefore, if this Bill applies solely to Nonconformist places of worship, and leaves your office intact, and the Church of England intact, to which I think you issue licenses?—No, I do not; the Surrogate does.

2108. Then it would reduce it still more. If this Bill leaves you intact and only applies to Nonconformist marriages, it would only affect you to the extent of three licenses in the year in your division of 300,000 people?—Yes.

2109. That is to say, your loss from that change would be three times 25*s.*?—Yes, that is the actual loss; but it suggests a very much further loss if the system grows.

2110. Now, do you think that this system would expose Nonconformists to considerable danger in the registration of their marriages?—I really do.

2111. And that the whole business of registration would get into a confusion similar to that, say, in the Church of England?—I say this, that according to the suggested system, it depends largely upon the attention of an officer to his duties, for which he is not paid, by-the-bye. For myself, the Bill says that I within three months must do something; there is no suggestion that I get any fee for that work; if I forget to do that thing it is rather dangerous to the contract of marriage.

2112. In other words, you think the system would be bad as proposed under this Bill?—Yes, unless it is tied up with penalties all round.

2113. Who do you think has the most interest in securing perfect registration?—The parties.

2114. You know that this Bill is permissive? —Yes.

2115. And if the parties found it working badly would they not elect to have the registrar? —My experience of the parties to a marriage (and I have many of them before me) is that they know little or nothing about the law at all; they place themselves absolutely in the hands either of the officer who issues the certificate or of the minister who officiates; and in case of either of these persons neglecting his duty, I do not think they would even know that there had been any lapse.

2116. It would not affect the marriages at your

Mr. *Perks*—continued.

your own registry office, of course?—Only in the way of competition; that is the way we see it.

2117. You look at it very much as a question of competition?—For this reason, that these marriages by your Bill are to take place in every place certified for worship. I have certified a place in my district belonging to the National Sunday League for entertainments, and I should be compelled to issue certificates to that place if your Bill were passed, and the secretary of the Sunday League might marry people. I suggest that he is scarcely a proper person to conduct a marriage ceremony.

2118. Is he a minister of religion there?—He is not, but he stands in that position; he refused to be denominated.

2119. Do you think any danger would arise in the celebration of Nonconformist marriages if the scheme of my Bill were adopted?—I fear that there might be persons who would obtain certificates for any place called a place of worship, room, or anything else, and that they might use those certificates for marriages of a sort which, though legal, would be scarcely desirable.

2120. Have you given us a copy of your circular to the local registrars?—I did do so; it is in my evidence.

Mr. *Carvell Williams.*

2121. You stated that during 12 years you had received only two complaints of registrars in your district?—Yes.

2122. Does your district include Park Chapel, Crouch End?—No, that is in the adjoining district of Edmonton.

2123. It is an adjacent district to yours?—Yes.

2124. Are you aware that two complaints have been made in regard to a deceased registrar in connection with that place of worship, and within a comparatively recent period?—No, I am not; I have no knowledge of it whatever.

2125. If those cases have happened close to your district without your knowledge, is it not highly probable that a number of other cases may have happened which have not reached you?—Certainly. I can only give my own knowledge of my district, and I could only give you the action I should take if I heard of such a case.

2126. You do not wish the Committee to understand that, because only these two complaints have reached you with regard to your district, therefore there have not been causes of complaint in distant parts of the country?—I am quite aware that any system would have defects of that sort; I do not suppose there is any system known in the State that has not officers who forget to do their duty; but it is a question of the number.

2127. But your knowledge is confined to your own district?—My personal knowledge, certainly.

2128. You have spoken of the Church of England as having a registrar who is responsible to the Registrar General?—In the clergyman.

2129. You mean by the registrar, the clergyman?—Yes.

2130. Pray in what way is the clergyman responsible to the Registrar General?—He is responsible to take proper care of the register books,

Mr. *Carvell Williams*—continued.

to supply copies of the registers every quarter to the Superintendent Registrar, and he receives payment for that duty. He is subject to correction from the Registry Office for any neglect of duty, just in the same way as a civil registrar would be, with the exception that the Act is not quite so strong as it might be with respect to him; not so strong with respect to him as it is with respect to civil registrars.

2131. Has the Registrar General any authority over a clergyman?—I do not think he could dismiss him as he can a civil registrar.

2132. Has anybody authority over him?—The Bishop, I believe.

2133. The clergyman is governed by the Act of Parliament?—Yes.

2134. And in the same way a Nonconformist minister might be, might he not?—Undoubtedly.

2135. So that the two persons would really be practically in the same position as regards marriages?—Certainly.

2136. You have spoken of the possibility of parties obtaining certificates from the registrar and making an improper use of them?—Yes; I would suggest that it is quite possible for a man wishing to deceive a young woman to go to the registrar and get this schedule, fill it up himself, and take it to her friends as a satisfactory record of his marriage; and in the event of its non-return to us we take no cognisance of it under the Bill; we only look after marriages that take place.

2137. You think that is an event that might happen frequently?—I do not say frequently; I think that is a possibility; and in making these laws we have to guard against possibilities.

2138. Did I rightly understand you to say that if the registrar did not receive a fee he would be liable, or likely, to neglect to register the marriage on receiving the certificate back?—No, I did not say so.

2139. I am glad to hear it?—I did not say that he would neglect it because he did not receive a fee, but I said that there is a duty laid down in this Bill for which he is to receive no fee.

2140. All registrars are subject to the control of the Registrar General and liable to be censured or dismissed if they do not properly discharge their duties?—Certainly; but I point out that they are paid by distinct fees not by salaries.

2141. You have said that to remove the registrar from the Nonconformist chapel would create a new inequality; how would it do so?—An inequality with the Church of England.

2142. Would not church and chapel then be placed on an equality?—Certainly not.

2143. The civil officer would not be present at either?—I beg pardon; at the Church of England the civil officer is present in a sense in the person of the clergyman who is responsible to the Registrar General; he performs for the Registrar General the civil portion of his duty.

2144. And would not the person officiating at the Nonconformist chapel discharge the same duty, and be equally responsible to the Registrar General, and be liable to penalties if he failed in his duty?—If he accepts the same responsibilities, undoubtedly; but that is not suggested by this Bill.

2145. I understood

Mr. *Carvell Williams*—continued.

2145. I understood you to say a minute ago that the two persons would be in the same position as regards responsibility to the law?—If they accept the same responsibility, my answer was.

2146. You have spoken of the danger, through the certificate being improperly used, if they are to be brought back at the option of the parties; are you not aware that Mr. Perks's Bill provides that the certificate shall be brought back (to use your phrase), not by one of the parties, but by the person who officiates at the marriage?—To be sent in a registered envelope, I understand is the provision of the Bill; I am speaking from memory. That duty, I think, is placed upon the minster to send it back. (*The witness referred to the Bill*)?—Yes, it is so.

2147. The case in which Mr. Forsyth was concerned, occurred under the existing law, did it not?—No, it occurred quite outside the existing law; we had no knowledge of it.

2148. Therefore it is not correct to state that that is a thing that might happen if Mr. Perks's Bill were passed; inasmuch as it is a thing which has happened prior to the passing of that Bill?—I suggested that there was a danger of any person being allowed to marry people. Any person might take up any sort of notion of how a marriage should be performed. Certainly that could not occur under Mr. Perks's Bill.

2149. But in this particular case no notice was given to the registrar?—That is so.

2150. You have admitted, I think, that you have not given very careful consideration to the proposed change in the law, which have in view the dispensing with the attendance of registrars?—I beg your pardon; I have read every Bill most carefully that has been prepared in the last four or five years.

2151. Did you not say in one part of your evidence, that you had only considered the working of the existing system?—I was asked whether I had any system to suggest; my reply was that I could as an officer of the law, only consider the present law, and that it was not my duty to suggest to the Legislature or to anybody anything in the way of experimental legislation.

2152. But have you not said that you do not think it is impossible to dispense with the attendance of the registrar; that you see no objection to that change if there are proper safeguards?—Yes, and I repeat it.

2153. And you also said that Mr. Perks's measure, if passed by Parliament, might turn out to be a good measure?—Certainly; it would have to be safeguarded, that is all.

Mr. *Oldroyd.*

2154. I wish to ask a question bearing upon one point of your evidence, and that is with regard to the pecuniary loss which would be sustained if the proposed Bill were to become law. You say that in your district you have an average of three marriages by special license of parties connected with Nonconformist places of worship, in a year?—Yes.

2155. Therefore you would lose, if no other compensation was substituted, about 4*l.* 10*s.* a year on the average?—Yes.

2156. But suppose that the special license instead of costing 30*s.* should, as would be the case according to this Bill, be fixed at 5*s.*, and that that should be payable to you, in place of a reduction do not you think that your revenue would positively increase under such a regulation, by the fact that larger numbers of contracting parties would be married by special license than are so married now?—I think not, not in the Nonconformist places of worship The marriages there are generally long arranged and they fix their times; it is not a question of the price of the license; they never take a license unless for some very special reason, either residence of the parties in two places (they do away with one notice in that case), or persons going abroad in a hurry.

2157. With regard to the cases where the question of residence makes a special license a convenience, or a sudden departure for a foreign country, do not you think that the number of such cases is so great that resort would be very much more frequently had to marriages by special license if that clause of Mr. Perks's Bill were applied?—I really do not; I cannot see how it could have that effect.

2158. Then you think that in this matter the general law of increased demand by greater accessibility would not obtain?—No: I think not, not in the case of Nonconformist marriages.

2159. Do not you think that the reduction of the cost from 30*s.* to 5*s.* would induce a great many of the contracting parties in a large district like yours to avail themselves of the convenience of getting once for all a special marriage license, instead of publishing it, as in the Church of England, by banns?—I do not see that, because the Nonconformists now really have as many licenses as they require; and I do not know that they would be tempted to pay half-a-crown more for a short notice; they can always fix their dates.

Mr. JAMES SHEPHERD, called in; and Examined.

Chairman.

2160. YOU are a Registrar in Southport?—Yes.

2161. With Mr. Platt?—Yes, there are two of us. Mr. Platt is one, I am the other.

2162. And is Southport a district?—No, Ormskirk is the district. It includes 21 townships and Southport is one of the townships. There are three registrars in the district; one resides at Ormskirk and two at Southport, or one at Southport and one at Birkdale which adjoins it.

Chairman—continued.

2163. A letter has been addressed to the Chairman of this Committee who is unfortunately prevented from being here to-day, giving instances of great inconvenience caused by your non-attendance on certain occasions at marriages in Nonconformist chapels. There is one case especially mentioned, the marriage of Miss Evans, or Miss Ellerby; there is no date given to it, but the letter states: "The parties were there, but Mr. Shepherd did not put in an appearance," and

Chairman—continued.

and that the marriage could not take place, causing of course great inconvenience and disappointment; do you remember that case?—I have searched through the registers up to 1880, and I have never had a marriage of a Miss Evans at that chapel in Duke-street all that time.

2164. Or Miss Ellerby?—There was a Miss Ellerby married about 12 years ago; I remember that case very well. I waited at my office until 10 o'clock that morning, and I had never received any notice, at least, I had never had any time fixed for the wedding up to that time.

2165. You say that there is no case of Miss Evans?—No.

2166. In the case of Miss Ellerby, can you give me the date when it occurred?—Yes, I can give you the exact date. It was on the 29th of July 1881; that is 12 years since next month.

2167. And you received notice of that intended marriage?—No, I did not leave my office till 10 o'clock next morning; there was no notice up.

2168. Had you received any notice before the day?—When they gave notice to be married, but they did not fix the time.

2169. You had received notice of the intended marriage?—Yes, but not fixing the day or the hour.

2170. No date was fixed?—No, the day and the hour were not fixed for the wedding to take place.

2171. You had notice that the wedding was to take place?—They had to give notice in order to get a certificate.

2172. Why did you wait in your office on that particular day?—For no reason at all; only that I had occasion to go to Ainsdale, a place about four miles away, and I went; but I should not have gone if I had known that the wedding was going to take place; that is all.

2173. You were in your office that morning, on the morning of the 29th of July 1881, up till 10 o'clock?—Yes.

2174. And received no notice that the wedding was going to take place that day?—That is so.

2175. You received no notice of that either then or previously?—That is so.

2176. Going on with that case, did you hear anything about it afterwards; was a complaint made to you afterwards in the Ellerby case?—Only the day after they were married.

2177. But when did you hear of the disappointment?—As soon as I got back from the place called Ainsdale, to which I have referred. It was then a quarter past 12, too late for the marriage to take place that day, and it took place the morning following. At that time weddings could not take place after 12 o'clock; the law has been altered since.

2178. You heard in the afternoon that they had been disappointed?—Yes.

2179. And arrangements were made then, you say, for the wedding to take place the following morning?—Yes.

2180. And did they complain of your non-attendance on the first occasion?—Yes, they complained, and said I was not entitled to my fee. Well, I said it was not my fault, and I would forego my fee, and they did not pay it.

Chairman—continued.

2181. Did they realise that it was no fault of yours?—They maintained that they had told me at the time they gave notice; but when the parties give the notice a long time has to elapse before the wedding can take place, and it is the custom for them to let the registrar know a day or two before the wedding takes place when it is to take place, the day and hour, because, of course, they often alter their minds.

2182. How long before has notice to be given?—It should be given 21 clear days, but in my district it takes 24 days, and that leads to a mistake which I wish to explain to you, and then you will understand it better.

2183. How many days' notice is compulsory?—I my case, 24 days; if notice is given on Saturday it will be 25 days; and I wish to explain how that occurs. The law says that 21 clear days must elapse.

2184. Never mind that now. More than 20 days notice has to be given, I understand you?—Twenty-four days' notice at the least, and in some instances 25 days.

2185. And in the case in question, the parties say that they told you at the time?—At the time that they gave notice to be married.

2186. But did they give to you any notice of the day and hour?—No, I never remember that at all.

2187. Do you make a note of such things; would you have made a note of that?—Yes; I wish to explain. You will see by looking at this (*pointing to a calendar*) the system I have kept up for years. *There* (*pointing*) is the name, the date when they give notice, the date when the certificate is due, the chapel they have to be married at; and then I enter, in *this* column, the day and the hour when they have fixed them for being married; and my deputy is in the office all day (and during his absence for dinner I am in it), and if anyone came and gave the notice, there could be no mistake as to the time; I have kept up a system of that sort for years.

2188. Was this system in vogue in 1881?—Yes.

2189. Have you the lists for 1881?—No, I have destroyed them; I destroy them when the wedding has taken place; it is only just for my own guidance that I adopted this plan, so that there should be no mistake as to the time of attending.

2190. Do you feel it your duty to write to the parties if you have not heard a word as to whether the wedding is to come off?—No, I do not do that, but I will tell you what I have had to do frequently; the parties have very often fixed a day before I get the certificate, or before the certificate is due.

2191. The certificate is due on the 24th day, if I understand you rightly?—Yes, unless they have given notice on a Saturday; in that case it would be 25 days, because it must be in the head office 21 clear days. That has led to some misunderstanding sometimes; because the parties are under the impression that after 21 days have elapsed they could be married; and they have often sent me a note saying that they have fixed to be married on such a day, and then I have had to hunt them up and tell them that they cannot

Chairman—continued.

be married on that day, because the certificate is not due; and I am not allowed to let the marriage go on until I get the certificate.

2192. I think I understand your plan. Do you send the certificate on the 24th day?—No, I take it with me, because I have to be present at the wedding.

2193. As the time draws near it is not part of your duty to write to the parties, and say: "Have you fixed the time"?—No, it is no part of my duty at all, and I never do it. I should like, if you will allow me, to say that I have got a letter from the minister of that chapel who has given instructions to Mr. Myers; his name is Silas K. Hocking. When I heard about this evidence that Mr. Myers had given, I went to see him, because it was quite new to me, and asked him to give me a letter, and he gave me this letter.

2194. What is it?—From the minister of that chapel which the complaints are from.

2195. What is the date of that letter?—26th of June of this year.

2196. Will you read it?—"Dear Mr. Shepherd,—The case which Mr. Myers evidently referred to occurred about three years ago. The wedding was timed for 2.15 p.m., or thereabouts, the bridegroom being a working man, and not able to leave his work until noon. The day was Saturday. We waited till three o'clock, and you did not turn up. To the best of my recollection the wedding took place the following (Sunday) morning before service; your explanation being that 21 clear days had not elapsed. I would like to say here that, as a registrar, I have always found you exceedingly courteous and obliging, and I should be very sorry for any word of mine to give you pain, or harm you in any way. Registrars like ministers are liable to forget now and then, and personally I do not blame the registrars but the system."

2197. The next case is thus described: "The two young people to be married were at the chapel at the time appointed with the minister. Mr. Shepherd did not put in an appearance. They waited, and waited, and watched; at last a young sharp fellow ran out, jumped into a cab, and drove off through the town in search of this registrar. The excitement in the chapel became simply intense and unbearable. The young man returned with the registrar just a few minutes before the clock struck the hour of limitation. The minister had to hurry through the service in a very short time; the clock struck, and the registration was made in the vestry after the time allowed by law for the marriage." Do you remember a young man running after you in a cab and bringing you to the chapel when these facts occurred?—No, I do not remember that case. I do remember one or two cases in which they have gone to the chapel without acquainting me, and then when they have come to tell me I have hurried off to the chapel. They frequently make that mistake, which is caused by their thinking that an interval of 21 days only is necessary; and when they go to the chapel without telling me, of course I do not put in an appearance. Unless I know I do not put in an appearance.

Chairman—continued.

2198. You have nothing by which to recall this particular case?—No.

2199. In the information before me I have neither name nor date?—I went to the chapel to ask the chapel-keeper if he remembered it, and he said he did not remember that case at all.

2200. Mr. Myers' letter proceeds: "Another case occurred a few or some months ago, that is Mr. Hocking's own expression; he could not give me the exact date." "The parties were there with the minister at 2.30, and friends to witness the marriage of these two young people. They had arrenged with Mr. Shepherd as to both place and time"?—That is the case that Mr. Hocking referred to.

2201. "They waited and watched, watched and waited; Mr. Shepherd did not turn up, could not be found, and when the clock struck three, the parties were not, and could not be married that day. The sympathy was deep, and the indignation against either the law or its agent, was great. It turned out that Mr. Shepherd was in Liverpool, between 20 and 30 miles away, at the time he should have been in the chapel according to his own arrangement. The minister, the Rev. Silas K. Hocking, had to attend a large public meeting that same evening, and from the platform, in very indignant tones and words explained and denounced this outrage amid cries of shame." That is the gentleman who has written the letter which you have quoted?—That is the case that Mr. Hocking referred to; and he said he had to go to lay the foundation stone of a new chapel they were going to build for their denomination, and he stated at that meeting that the reason he was late was that he had to wait for the Registrar. Now, if the certificate had been due, I should have had it, and been there present. He could not have left the chapel before a quarter to three, because it would have taken half-an-hour to go through the ceremony and register it, so he could only have been a quarter-of-an-hour late in that case; and that is his own statement to me. But I explained to him that the certificate was not due, and that the parties had never told me that they were going to the chapel; if they had, I should have prevented them going, but they went without telling me about it.

2202. Mr. Myers, in this letter, says that "Mr. Shepherd was in Liverpool," when he should have been in the chapel according to his own arrangement. Do you know the name of this case?—No, I do not; I do not remember it at all.

2203. It is only a few months ago, in March 1893; surely you must remember it?—I have not had a case since February; my last case was the 9th February of this year.

2204. Were you in Liverpool on that day?—No, I was not in Liverpool.

2205. Was that the day on which Mr. Hocking had to attend a public meeting?—No, that was three years ago he says.

Mr. *Carvell Williams.*

2206. Do you hear of this case for the first time now?—I heard it for the first time of Mr. Hocking when he wrote that letter.

2207. You did not hear this complaint made at the public meeting?—There was no public meeting;

Mr. *Carvell Williams*—continued.

meeting; I asked Mr. Hocking about it; he said there never was a public meeting, only he had to go to the laying of a foundation stone, and he mentioned this circumstance.

Chairman.

2208. When did he make these remarks in public?—Three years ago.

Mr. *Carvell Williams.*

2209. And did they not reach you at that time?—No, I never heard of it before. That laying of the foundation stone was at a place 30 miles away from Southport, a place called Horridge.

Mr. *Perks.*

2210. How many of these sheets have you that you make your notes on, hanging up in your office in a year; half a dozen?—No, I had one previous to that this year.

2211. Why did you not bring the one previous which contains March 1893?—I did not think it necessary; I only brought these just as they were at the office.

2212. If you had brought the sheet for March 1893 we might have seen whether you had an appointment at this chapel?—But I know that I had not. I have frequently had to wait two hours for minsters that have never turned up.

2213. Have you got the letter to which this, from Mr. Hocking to you, is a reply; this begins, "Dear Mr. Shepherd"; did you write to him?—No, I went to see him.

2214. It does not mention the names?—No; he said he did not remember. It is a case he said that happened three years ago. I did not remember anything about it. He did tell me this, that Mr. Myers had rushed all the way from Rochdale to Southport, and said, how was it he had been wrongly informed. He said he had made a mistake in giving his evidence. Mr. Hocking told me he has made a mistake and given a wrong account.

Mr. *Carvell Williams.*

2215. Do we understand that the marriage would have been illegally performed if performed on that day, because the requisite time had not elapsed?—Yes, I could not have allowed it to take place. The Registrar General distinctly states that I am not to allow a marriage to take place till I have got the certificate.

2216. Therefore you are not likely to have promised to attend the marriage on that day?—No, certainly not. Mr. Myers lives 40 miles away from Southport, and is quite a stranger of course to me.

Mr. *Olroyd.*

2217. On the occasion of the marriage of Miss Ellerby, you say that you were in your office until ten o'clock?—Yes; and they never let me know that I was required to attend.

2218. What was the first intimation that you had of their disappointment?—Soon after 12 o'clock, about a quarter past 12 that day, when I got back from Ainsdale; I got to know about it then.

2219. You have said just now that the parties to the marriage very frequently make the mistake of not advising you of the time and date and

Mr. *Oldroyd*—continued.

place of the intended marriage?—Yes, they do make that mistake, and that is the reason why I have adopted that plan which I have described.

2220. Is it not, then, in your judgment as registrar, a fact that the regulations are such as to cause these inconveniences frequently to occur?—Allow me to explain how the thing does occur. I have to send a certificate to the Superintendent Registrar,; it takes one day to go, and he does not count the day that he receives it, or the day that he dispatches it, and it has to be in his hands 21 clear days before he can issue a certificate; and if the notice is given on a Saturday it will take 25 days, because he is not at his office until Monday, and he does not reckon the day he receives or the day he dispatches it. People very often on being told what the Act of Parliament states, 21 clear days, do make that mistake.

2221. Then according to that answer these irregularities as to fixing the time, place, &c., arise from a mistaken conception that 21 days covers the whole requisite time of the operative notice?—Yes, I have known it cause that mistake several times.

2222. Is there no other cause; is there no other source, or basis, or ground, on which the mistake arises?—Well, I do not know of any, but I do know that that is a cause; because I adopted that system which I just now described, and found out that it was the cause; and I always point out to them that they must be sure to allow 24 days to elapse before they fix their time; and when they fix it I enter it in that list.

2423. I want to get at this: you say that these mistakes frequently arise; I want to know if, apart from the question of the 24 or 25 days, there is frequently negligence to apprise you of the time, date, and place of the ceremony, so that you may attend?—There is a prevailing impression on the public mind that if it has been called out three time, 21 days, then they can fix their wedding.

Chairman.

2224. That was not the question asked you; do they often neglect to inform you of the day, is the question that you were asked?—Not very often, but there are cases occasionally.

Mr. *Oldroyd.*

2225. There are cases occasionally you say?—There are cases occasionally.

2226. And those are perhaps in your experience the most frequent sources of annoyance and disappointment?—They are. I have had to run and hunt the parties up many a time, because I have found that they have fixed the time, and I am afraid of their going to the chapel and the registrar being blamed for not attending.

2227. Is it the case frequently that you are quietly sitting in your office and there is a sudden rush into the place of a man inquiring for the registrar?—I never knew more than one or two such cases in all my experience, and I have been registrar for 30 years nearly.

Mr. *Carvell Williams.*

2228. Do you state that you have not during the time you have held your present office ever failed to attend punctually at the time fixed?—

 No,

Mr. *Carvell Williams*—continued.

No, never failed. When the information has come to me that I had to attend, I have always attended.

2229. You do not admit failure?—I do not admit failure. I have taken a cab sometimes and driven off at once if they happen to have forgotten to tell me; there have been one or two cases of that sort.

2230. When the notice which has been given in the first instance has included the date and place and time of the marriage, would you expect a reminder of the time, or would you consider it your duty to attend without such a reminder?—I always tell them that they should let me know a day or two before the time; because they very often change their minds and I say, "Though I enter it on my list that you fix it now, I should like you to let me know a day or two before the actual time arrives, because you may have changed your minds."

2231. But you would not regard it as obligatory on the parties to give you a second notice?—Yes, I think it is their duty, and they ought to do it; because when they come to do that I have an opportunity of asking them if they have let the minister know.

Mr. *Carvell Williams*—continued.

2232. Supposing they did not send you a reminder, would you attend on the strength of the original notice?—Yes.

2233. Have you experienced much inconvenience from several marriages being fixed to take place on the same day?—No, I do not think I have, because that list which I have presented to you is always a guide to me; and my deputy being in my office all the day puts a note on my desk to remind me what is on that list. I may say that many a time I have attended at the place appointed and waited for two or three hours and nobody has turned up, and I have had to go back. They have changed their minds and not let me know.

2234. The marriage parties are sometimes unpunctual you find?—Yes.

2235. Do you see any reason why registrars of births and deaths should not be registrars of marriages also, and competent to attend them?—I do not see any reason why they should not.

Mr. STAIR AGNEW, called in; and Examined.

Chairman.

2236. YOU are the Registrar General for Scotland?—Yes.

Mr. *Perks.*

2237. I may take it that you have read the evidence given by Mr. Thomas Temple, one of your principal registrars, before this Committee?—Yes.

2238. And that gentleman is a man of very wide experience?—He is the registrar of a large district.

2239. I will confine my questions to one mode of marriage in Scotland only, and that is in pursuance of the Marriage Notice (Scotland) Act, 1878?—That Act applies to the preliminaries of marriage which come in place of proclamation.

2240. In place of what we in this country call banns?—In place of proclamation of banns.

2241. Now, under the Marriage Notice Act of 1878 any minister of religion can marry in Scotland without the attendance of any civil officer at all in a place of worship?—The attendance of a civil officer has never been compulsory; and perhaps I ought to state that the power of any minister in Scotland to marry dates from the Act of William IV., passed in 1834, which provided that priests and ministers not of the Established Church might conduct the ceremony of marriage.

2242. Clause 4 of the Marriage Notice Act of 1878 provides, that all ministers of religion, clergymen, or priests in Scotland may celebrate marriages after publication of notice, as you say, without the attendance of any civil officer?—Yes; they might before have done so upon proclamation of banns; now they may do so either upon proclamation of banns or upon publication of notice by the registrar.

2243. The notice that is obtained at the registrar's office in Scotland is I see handed to the parties intending to contract the marriage?—Yes.

Mr. *Perks*—continued.

2244. Have you found that that leads to irregular marriages, or bogus marriages as I may call them?—No.

2245. Have you found that this Act has operated to encourage lawful marriages in Scotland?—I do not think it has had any operation one way or the other in that respect.

2246. But I suppose every facility for conducting lawful marriage must to some extent reduce irregular marriages?—No; the number of irregular marriages has been increasing.

2247. Might I ask you to explain to the Committee in a sentence if you could, what is an "irregular marriage" in Scotland?—The essential principle of the law of Scotland is that consent makes marriage.

Chairman.

2248. That is the law now?—Yes, and has always been so in modern times.

Mr. *Perks.*

2249. I think we will not trouble you to pursue that line of evidence?—I may say that no ceremony is required.

2250. No religious ceremony of any kind. I had better explain first what a "regular marriage" is, and then you will see what an "irregular marriage" is. A regular marriage is one in which the interchange of consents has been preceded by proclamation of banns or publication of notice, and has taken place in the presence of a minister with a religious ceremony. An irregular marriage is one in which the consent has been interchanged without proclamation of banns or the presence of a minister.

2251. Marriage in Scotland is a verbal contract, attested for purposes of law by competent witnesses?—Yes, it is a civil contract which may be proved by any evidence.

Mr. *Perks*—continued.

2252. May I enquire whether you have given any attention to modes of marriages in this country?—No, I have not.

2253. Were you familiar with the circumstances which preceded the Marriage Notice Act of 1878?—Yes. The Marriage Notice Act of 1878 merely made an addition to the ways in which the preliminaries to a regular marriage might take place.

2254. Was there any demand on the part of the religious denominations in Scotland which led to the passage of that Act?—Yes, the Act was passed, I believe, speaking from memory, by a private member, now Sir Charles Cameron, Dr. Cameron, one of the members for Glasgow.

2255. At the instance of which of the Scotch churches chiefly?—I could not say which, but at the instance of the Dissenters.

2256. And the Act has operated well in your judgment?—Yes.

Mr. *Carvell Williams.*

2257. As Registrar General you are able to speak from experience in regard to the whole of Scotland?—Yes.

2258. Do the parties who are entrusted with the return of the certificates in Scotland, as a general rule, return them and return them within a reasonable time?—You refer to the marriage schedules.

2259. Yes, I mean that; what you call a "schedule" I call a "certificate"?—After obtaining a certificate of the proclamation of the banns, or the publication of notice as the case may be, the parties go to the registrar and obtain from him a marriage schedule.

2260. After the marriage has taken place are the schedules, as a general rule, returned to the registrar by one of the contracting parties for the purpose of registration?—They are returned with great regularity.

2261. And do many mistakes occur in the completion of the schedules, that is in the filling in of the necessary blanks?—Not many.

2262. And in the event of their not being returned within a very few days, it is the duty, is it not, of the registrar to ascertain whether the marriage has taken place?—It is not prescribed as a statutory duty, but he generally does it.

2263. And as a rule they are returned and are properly filled up?—Yes, we have every reason to believe so.

2264. Does the Scottish public generally speaking approve of the existing system; I am speaking now solely of registration, following the return of the schedules?—I think so.

2265. I am not speaking now about the general law of marriage in Scotland; you think that the system of registration has the approval of the Scottish public?—Yes.

2266. And, so far as your experience of Scotland is concerned, you do not see any reason why the system might not be safely adopted in England?—I should hesitate to express any opinion upon that point, considering the essential difference between the law of marriage in Scotland and in England.

2267. In Scotland the parties themselves are entrusted with the return of the schedule; you

Mr. *Carvell Williams*—continued.

would consider it an additional precaution, would you not, if in England the duty were imposed upon the officiating minister and not upon one of the parties?—That would be so; but that does not meet the point to which I refer, which is this: that in Scotland a mistake in point of form or ceremony would not invalidate a marriage, nothing, in fact, would in Scotland invalidate the marriage if there were evidence that consent had been interchanged.

2268. And do you concur in the opinion that registration in England is not essenial to the validity of the marriage contract?—I do not feel competent to speak upon that point.

Mr. *Oldroyd.*

2269. I gather from your answers that "irregular marriages" in Scotland is a phrase which does not involve any moral obloquy?—No.

2270. It is merely a legal term to distinguish the marriages which take place with a religious ceremonial in the presence of a minister, and those that do not?—Yes: but I think I ought to add that irregular marriages are looked upon with disfavour.

2271. On what ground?—From the absence of notice, or any religious ceremony.

2272. But if the contracting parties hold an opinion different from yours on that point, do you see any evil arising from it?—No; I merely wished to indicate what I believe to be the general feeling in Scotland.

2273. Now in your capacity as Registrar-General for Scotland you have already said that you testify to the general satisfaction which the present system of registration gives; but do you know in your official capacity of any irregularities that have arisen?—No.

2274. Then the whole operation of your office is sublimely perfect?—I will not go so far as to say that.

2275. Do you know of any irregularities of any sort?—In connection with the return of the marriage schedule, do you mean?

2276. And with registration?—No, I know of no irregularities in connection with the return of the marriage schedule.

2277. You said just now that the return of the schedules was carried out by the contracting parties with very great regularity?—Yes.

2278. What is the nature of the exceptions to that rule, are there any?—The exceptions are very rare, but it sometimes occurs that parties leaving the country take the schedule with them; or, occasionally, but extremely rarely, that they forget for a time to send it.

2279. You have not had any complaint, nor have you any knowledge of irregularities arising from the inefficiency or neglect of your sub-officers?—No.

2280. Then the whole irregularity such as does exist arises from the neglect of the contracting parties, running away with the schedule instead of returning it to the registrar.?—I think so.

2281. And that is rare?—That is rare.

2282. And there is no other source of irregularity but that?—Not that I am aware of.

Mr. *Carvell Williams.*

2283. Have you frequently cause to complain of the mode in which the ministers who officiate fill up the blanks in the schedules, and of the mistakes they make, or of their negligence?—The schedule is filled by the registrar before he gives it out, with everything except the signatures of the parties and witnesses, and the signature of the minister, and dates of course.

2284. And you have not cause to complain that those blanks are filled up in a negligent way, or in an obviously incorrect way?—Very seldom.

Mr. *Carvell Williams*—continued.

Chairman.

2285. You have seen the evidence of Mr. Temple?—Yes.

2286. And you agree with it?—Generally.

2287. There is nothing on which you wish to express any opinion?—Nothing on which I wish to express any opinion.

Mr. EDMUND CHARLES RAWLINGS, called in, and Examined.

Mr. *Perks.*

2288. YOU are a Solicitor, and you are the Honorary Secretary of the Parliamentary Committee of the Primitive Methodist Church?—I am specially appointed to give evidence.

2289. You are specially appointed by the Primitive Methodist Conference to come here and give your evidence on the subject now before us?—By the general committee which acts in place of the Conference when it is not sitting.

2290. The Primitive Methodist Church is an organized religious community governed by a central conference?—It is.

2291. Somewhat similar to that of the Wesleyan Methodist body?—It is.

2292. And somewhat similar also to the Assembly of the Free Methodist Church?—Yes.

2293. And the Conference of the Methodist New Connexion?—Yes.

2294. Your committee have passed a resolution, have they not, approving the general terms of the Bill which I have introduced into Parliament?—They have; they have considered it, and passed a resolution in its favour.

2295. Have you a copy of the resolution?—I have not a copy, but I have a note of it. They approved of the Bill, and appointed myself and another gentleman to give evidence in its favour.

2296. The Primitive Methodist Church, I see from the Parliamentary Return of 1882, had then 3,825 chapels in the various parts of England and Wales?—I presume that is so. I have a return for 1892, which shows we then had 4,546 chapels, and 1,281 other preaching places.

2297. Have you any means of knowing how many of those would be licensed for marriage?—No; I am not aware of any statistics of that sort.

2298. Your chapels are largely situated in village districts, are they not?—A good many in village districts and mining districts.

2299. It is the view of your committee, I think, that chapels when registered for worship should become thereby places in which marriages can be solemnized without any further payment or official authority?—Yes; and those gentlemen who considered it passed a special resolution on that subject.

2300. Would you read it?—Their resolution was: "That marriages should be solemnized in all registered places of worship, whether licensed or not licensed."

2301. The object of that being, mainly, I suppose, to facilitate lawful marriage, and to remove inequalities between the Primitive Methodist Church and the Church of England?—Yes.

Mr. *Perks*—continued.

2302. You have something to say on the subject of the publication of banns, I think?—We think the present publication of banns is insufficient and objectionable. The publication at the union does not in our opinion give sufficient publicity.

2303. And is derogatory to Dissenters?—And is very degrogatory to Dissenters; and I can say in my own case that my wife objected to have the notice put up at the union and in consequence of that we were married by license.

2304. May I enquire whether you have read this Bill?—Yes, I have read it.

2305. Do you think that there is any danger, so far as your church is concerned, of what are called bogus marriages being performed under it?—I am quite sure there is no danger.

2306. Your village chapels are all vested in trustees, are they not?—They are.

2307. Many of whom reside in the immediate locality of their chapel?—Generally they do, especially in the villages.

2308. They are conversant, therefore, with everything that goes on?—Certainly.

2309. Your church has defined regulations for the government of those local chapels?—Yes.

2310. And consequently very few irregularities could arise?—I do not think any irregularities could arise. We have what is called a quarterly meeting every quarter, and if any irregularity did arise it would be immediately reported to that meeting and dealt with.

2311. May I enquire whether in your chapels you have a register kept of births, deaths, and marriages?—In some of them we have but not as a rule, because we have trusted principally to the general registration.

2312. But I presume you would see no objection to keeping a register if the presence of the registrar is dispensed with; you would see no objection to keeping a register in the various chapels, of marriages solemnized there?—We should much prefer to keep a register than to continue the attendance of registrars; and I may say in addition that although there is no register I believe kept in some of the chapels, every minister is supposed to keep his register and forms on purpose are prepared for the ministers.

2313. You are aware that in Ireland and in Scotland those forms are supplied by the State?—I believe that is so.

2314. Gratuitously?—Yes.

Mr. *Carvell Williams.*

2315. Are there any chapels connected with your body which are not registered for marriage?—I am not able to tell you the proportion, because we have not kept statistics. The licensing of the place for marriage depends very much upon the trustees, whether they see a necessity for it or not; and also it depends of course where funds are scarce upon funds. We have to pay a fee of 3*l* and that would deter the trustees in some cases from registering a place.

2316. And I understand you to say that your body wishes for the abolition of registration of places of worship for marriage, as distinguished from registration for worship?—Yes.

2317. They think that all places registered for worship should be also capable of being used for marriages, without going through an additional legal process and paying fees?—That is so.

2318. Would it be possible for a stranger to obtain the use of one of your chapels for a fraudulent marriage?—I do not think so. We are very strict as to the use of our chapels.

2319. That would be a very improbable circumstance?—I think it would.

2320. Do your local preachers ever conduct the marriage ceremony?—I should not like to say they never conduct it, but very very seldom.

2321. When they do, would it be because something has prevented the minister attending?—In all probability. I do not think that people as a rule would be satisfied with a local preacher conducting the marriage ceremony; they would prefer their regular minister.

2322. So that, whatever an Act of Parliament might provide, you think the feeling of the body would be in favour of being married by means of their ministers?—Yes.

2323. Is the objection to the existing law, which I understand you to say is widely prevalent in your body, based upon the inconveniences arising out of the present system, or upon sentiment, or upon both?—I think we may say that the objection is, firstly, on account of the practical inconveniences which from time to time arise; and then there is an idea in the minds of some young people that no Nonconformist minister can make a true marriage; he must have another man to assist him.

2324. And that is a lay and not a ministerial objection?—That is a lay objection, decidedly.

2325. Have you much knowledge of the inconvenience which is experienced by reason of the distances that the parties have to travel, to give the notices and to make arrangements for the attendance of the registrar?—Ministers have complained from time to time, and we have had those matters brought at times before the committee, but there do not appear to have been any resolutions passed as to those things. They are hardships which have existed and which we have simply borne in common with the rest of the community.

2326. Have you knowledge of cases where the registrar has failed to appear, or has been unpunctual, because he has had to attend other marriages the same day or because he has had a long distance to travel?—I have personal knowledge of cases which occurred when I was very much younger and at home with my parents, my father being a minister, where there has been waiting for the registrar; that is to say, the registrar has not come to time, or inconvenience of that sort has been caused; but I have no recollection of any case where the registrar has failed to attend altogether.

Mr. *Carvell Williams*—continued.

2327. But you do know that the distance at which the registrar lives from the place of marriage, in very many cases, is a source of inconvenience to the parties?—I do know that, and it is much more difficult to have to arrange with two persons for an appointment than with one.

2328. And therefore, you would consider that the multiplication of registrars competent to attend marriages would be an improvement on the existing system?—It would be some improvement, but very slight, hardly worth making.

2329. So that you consider the real remedy is to allow the marriage to take place in the absence of the registrar?—I do.

2330. With proper precautions and safeguards?—Yes.

Mr. *Oldroyd.*

2331. You have read the evidence given by other witnesses in this inquiry?—No, I have not; I had the privilege of hearing Dr. Waller give evidence.

2332. Dr. Waller's evidence is particularly what I refer to. Do you concur in his expression of opinion as to the general dissatisfaction in the lay mind, as well as in the ministerial mind, with the inequalities between the regulations for celebration of marriage in the Church of England and in Nonconformist places of worship?—I do, wherever it has been considered.

2333. And you believe that the representation of that grievance has not been exaggerated, but that there is really a *bonâ fide* grievance as testified by these witnesses?—Yes, I am quite sure of that.

2334. You are cognisant of that from your own experience?—Yes.

2335. It is within your own knowledge?—Yes.

2336. You said just now that inconvenience arising from the non-attendance of the registrar would not be diminished if the number of registrars were increased?—I think I said that it would be a slight improvement; I did not see the value of that improvement.

2337. But is it not the fact that in the more scattered districts where the population is thin and the country is studded by small villages over large areas, the inconvenience would be decreased by the multiplication of registrars?—Yes, it is probable that it would to some extent. My view is, as I said before, that to have to arrange an appointment with two persons instead of with one, increases the difficulty of marriage.

2338. Not only with regard to arrangement for the marriage but also as to the contracting parties journeying to see the registrar with a view to giving him notice?—Yes; as to that it would be an improvement.

2339. Speaking then for the religious community which you represent to-day, is it not particularly in the scattered hamlets and villages

Mr. *Oldroyd*—continued.

of the country that these inconveniences arise and that expenses are caused from the necessity of visiting the registrar to give notice, and also from the fact that employment is often missed for certain hours?—Chiefly.

2340. It is chiefly in these districts that the inconvenience arises?—Yes, chiefly I should like to say that we do lay stress on this; we do not think that the present publication of banns is sufficient; the way it is done is objectionable, we consider.

2341. That is to say that is your idea and that of the community you represent with regard to the marriages which now take place in the Church of England?—No, I mean publication of the notice rather at the union. We want to get rid of that.

2342. You think that is unsatisfactory?—Yes, and hardly sufficient. If the intention is publicity, it does not give the requisite publicity.

Mr. *Oldroyd*—continued.

2343. You mean because the public generally do not visit the union for the purposes of observing what notices are put up?—That is so.

2344. And the opprobium attaching to the publication of the marriage notice within the four walls of a workhouse has been illustrated in your own experience?—Yes.

Mr. *Perks*.

2345. In the former part of your evidence you said that your chapels are largely in mining districts; I see that at Ferndale in the Rhondda Valley; do you know that place?—I know of it.

2346. There is a population of 10,000 people, mostly Nonconformists; are you aware that there is no registrar in the place at all?—I was not aware of that.

Tuesday, 4th July 1893.

MEMBERS PRESENT:

Sir John Kennaway.
Mr. Perks.
Sir Francis Powell.
Mr. Carvell Williams.
Mr. Powell Williams.

SIR JOHN KENNAWAY, IN THE CHAIR.

Mr. GEORGE ROBERTS, called in; and Examined.

Chairman.

2347. YOU are registrar of marriages, and also of births and deaths, and you reside at Wakefield?—Yes.

2348. In that district are there about 200 marriages per annum?—Yes.

2349. And do you attend the greater part of those?—I have been registrar about 14½ years; I was appointed in January 1879, and I do not think my deputy has attended more than ten.

2350. In the whole time?—In the whole time.

2351. Do you appear here as representing the Yorkshire Registrars' Association?—I do.

2352. What is your opinion of the present system?—My opinion of the present system is that, like all other systems, it must have its faults, but that it is incomparably the best system that has yet been devised.

2353. You are aware that there are objections raised, and grievances felt by the Nonconformists in regard to it?—Yes, I am aware of that; but so far as my personal knowledge extends, I have not heard any grievances that I thought were grievances in any other way than inequality between their position and that of the Church of England. With regard to my own ministers, I have had conversation with most of them. I may tell the Committee at once that although I know there has been a movement on foot to send out circulars to the various ministers, I did not believe in it from the first. I felt that the ministers would recognise the fact that their Nonconformist brethren were interested in this Bill apart from themselves, and that whatever their own personal opinion might be, it would only be in very rare cases that we should obtain it; and I thought it was scarcely fair to put the ministers in that position. However, one or two of our registrars have done so; one in particular informs me that out of 22 replies that he has received, 18 are decidedly in favour of the retention of the registrar. Now Lancashire has more immediately taken up that question, and I have been in communication within the last few days with the Secretary of the Lancashire and Cheshire Association and found this out, and that has been left more for their representative to deal with. He tells me that he has a mass of evidence on that point.

2354. Can you produce the circular to which you refer?—No, I cannot. I can give you the name of the registrar.

Chairman—continued.

2355. But who sent this circular?—The registrar for the Dewsbury district is the gentleman who sent the circular. I would have obtained the circular, only I did not know how far the Committee would consider it admissible.

2356. Have you seen the replies?—I have not.

2357. But the evidence you give is from individual communication?—With Mr. Pickersgill, the registrar for the Dewsbury district.

2358. Have you had communication with the ministers in your own district?—Only verbal; but I may say that I question if I have a single minister in my district against it.

2359. You have not yourself asked for any written opinion, have you?—I have not. I was in conversation with one of the Wesleyan ministers last Wednesday on the question; he said that he had received a circular to ask what objections he had; and I said, "Well, what objections have you?"; he replied, "I believe there are grievances in some places, but, personally, I have none."

Mr. *Perks.*

2360. What is the name of the minister you speak of?—Mr. Elvidge.

Chairman.

2361. Have you anything to state in regard to the Roman Catholics?—No, I have not any statement in regard to the Roman Catholics.

2362. Have you any experience of church registers?—Yes. If you turn to the last sheet of my *précis* you will find there church registers taken promiscuously; I have given the details of mistakes.

2363. Is it a fact that in your examination of a recent church register you found 212 errors of various descriptions?—I did.

2364. Besides seven erasures with a knife?—Yes.

2365. Sixty-five entries wholly or partly made by some person other than the clergyman?—Yes.

2366. And 15 entries that do not show where the marriages were celebrated?—Yes.

Chairman—continued.

2367. Have you, as the result of a partial examination of a few registers found in one register seven entries without the clergyman's signature?—Yes.

2368. In another, five with only one witness?—Yes.

2369. In another, 11 entries blank and unexplained?—Yes.

2370. In another, four with only one witness, and three entries signed by women with their married names?—Yes.

2371. And have you had handed to you by the Dewsbury registrar a paper giving the number of mistakes?—Yes, I have.

2372. Is there any evidence that you are not capable of giving, and which you expect to be given by the Lancashire registrar?—Yes, more immediately in producing the evidence as to the opinions of Nonconformist ministers upon the question. He has sent out a great quantity of circulars, and assures me that he has a mass of evidence. I have only made that reference expecting that the representative in question would be called, and therefore I have not gone so fully into that matter as I should otherwise have done.

2373. You are of opinion that the system would not be improved by the adoption of the Bill, I gather from your *précis*?—I am sure it would not.

2374. Have you considered in what way the greatest national efficiency can be obtained in this matter, if any alteration is possible?—If any alteration took place, my opinion is that the greatest efficiency would be obtained, and the greatest fairness between all denominations would be arrived at in this way; seeing that by Mr. Perks's Bill the necessity for the registrar hearing the legal words spoken is done away with; why should not the registrar attend all places alike, simply as a clerk in the vestry to make the entry, in the same position as that in which the parish clerk might do it, and then he would not interfere with any one's religious observances or otherwise.

Mr. *Perks.*

2375. You mean in the churches of England as well?—In the churches of England as well.

Chairman.

2376. And that he should attend at the marriage, but not necessarily in the church?—Not necessarily in the church or chapel.

2377. Not at the service?—Not necessarily at the service, but just simply in the vestry, and do the clerk's work.

2378. Have you any other alternative that you would suggest?—Any system almost is better than the one proposed by this Bill.

2379. You have no other alternative?—Let the Nonconformist ministers register their own marriages, as is done in the Church of England; I should choose that far away in preference to this Bill.

2380. Are you of opinion that the registrars would have any claim to compensation?—I think they ought to have; and, in fact, I do not see that this present Bill gives the registrar anything for his duties in case his attendance is not required.

Mr. *Perks.*

2381. How many years have you been a registrar?—Of marriages, 14½ years. I was appointed in January 1879.

2382. I will deal first of all if you will allow me, with the subject of the fees. You do not agree with the other registrars who have been here, and have said, that what they chiefly are concerned about is the loss of their fees?—Of course no one likes to lose his fees, but at the same time I do not lose sight of the efficiency or otherwise of a measure.

2383. But is it efficiency that you are concerned for first, and fees second?—No, I can scarcely say that; but at the same time I am quite as anxious for an efficient system as I am for my fees.

2384. You put them on an equality?—Yes, I do.

2385. You try to look impartially at both?—Yes.

2386. May I ask you, supposing you lose the 5*s.* under the provisions of this Bill, for attendance at chapels, would that be all that you would lose personally; I am asking you personally now; would you lose anything under the provisions of this Bill beyond the 5*s.*?—No, but I get nothing beyond the 5*s.*, "except 2*s.* 6*d.* for "marriage lines when required, but there seems "to be no provision in the Bill with regard to "these."

2387. You would lose 5*s.* on each attendance at a Nonconformist chapel?—That is so.

2388. How much would that come to in the course of the year in your case; how many weddings do you attend in Nonconformist chapels?—I should think it will come to, perhaps 35*l.* to 40*l.* per annum; I do not know exactly.

Chairman.

2389. Did you say something about 200 marriages a year?—Yes, but that includes the Superintendent Registrar's office, which will take, perhaps, about one-third of the marriages. This is only given roughly; I have not separated them.

Mr. *Perks.*

2390. In your judgment this scheme which is proposed in my Bill, the Nonconformist scheme, is very bad indeed?—As I said before I do not think it could be worse. I do not think it is possible to criticise the Bill and leave much of it.

2391. And therefore it would not be generally adopted?—It would not be workable.

2392. Then what would happen; where would people get married if it were not workable; would they not get married at the registrar's office?—How are you taking the question of not being workable? People would get married but it would not be effective; and further than that, you see whatever duties you are putting upon the registrar under that Bill, he has no payment whatever for them, and how is he going to do the work without some remuneration?

2393. You do not quite see my point, but I will not pursue that line of examination. Now you said that the scheme of the Bill was very bad indeed; you are, perhaps, not aware therefore

Mr. *Perks*—continued.

fore that it operates well in Scotland and Ireland; we have had evidence to that effect; you have not studied either of those systems, perhaps?—No.

2394. I am trying to account for your ignorance of this scheme?—Then you must be a bit more explicit if you please.

2395. The Jews and Quakers have no registrars at their chapels, have they?—That is so.

2396. Have you had any occasion to examine the register of any Quakers?—So far as my own district is concerned, I have seen it; but I do not think they have a marriage once in two years.

2397. You have said that in your judgment it would be far better for us to adopt the system in vogue in the Church of England than this system?—Yes.

2398. Why did you say that?—I said that in the first place because the forms that are proposed to be sent out, having to pass through so many hands are certain in some cases to get lost; others will be mutilated. Then take cases where the superintendent registrar does not receive this form; how is it possible to get it?

2399. That is not what I asked you. I asked you why you came to the conclusion that the system in vogue in the Church of England where the clergyman has to prepare the certificate, and where it does not come into the registrar's office, is superior to the scheme proposed here?—Because the proceedings are not so roundabout and uncertain.

2400. Then evidently you have not noticed that three persons are concerned in this scheme in securing the accuracy of the registration, and only two in the other?—Yes, but the Post Office is concerned as an additional one.

2401. May I ask you another thing: Assume for a moment that we get rid of the registrar altogether in the Nonconformist chapels, what improvement would you suggest, what further securities would you desire to have than those contained in this scheme? For example, the person intending to get married comes to your office; he gets the certificate under this scheme from you, and that is taken to the chapel and presented to the minister who performs the ceremony. I want you to tell me what in your judgment as a practical registrar you would suggest as an improvement, assuming that we get rid of the registrar?—I should first have to know what is meant by "superintendent registrar" in that Bill, for I confess I cannot separate or disconnect the two; I cannot answer the question without that knowledge.

2402. Supposing the man comes to your office in Wakefield, he gets the certificate from you, and he takes it to the Wesleyan Chapel, say, at Wakefield, and it has to be posted back to you, or delivered back to you by the Wesleyan minister who conducts the marriage under the scheme here; you fill it in and return it, I suppose, to Somerset House with your general returns; I want to know what further you would suggest as a security; for example, would it be better to post it direct to the minister, in your judgment; you have not considered that, perhaps?—I have considered the thing in all its

Mr. *Perks*—continued.

stages from the beginning; you will remember that there is the notice of marriage; it includes going through other hands, to begin with, in the first processes of the matter.

2403. I am assuming that we have passed those stages, and that those things are carried out as at present under the existing law; that there is no variation in those?—Then the superintendent registrar issues the certificate now, not the registrar.

2404. I know that perfectly well, but what I am asking you is this: what further security could you propose, assuming we got rid of the registrar, than is proposed here. If you have not considered it, I will not press you?—I have considered it, but I do not think any way would be secure, because if it was posted direct to the minister, instead of going through the parties' hands, there would be the chances of the post to contend with.

Mr. *Carvell Williams.*

2405. Is yours a rural district to any extent?—Yes, I have several rural chapels; I have two that are four miles from a railway station.

2406. What is the extent of your district?—Thirty-nine thousand acres.

2407. How far from you is the most distant place?—The furthest place is seven miles from me, perhaps, and four miles from a railway station.

2408. Have you any knowledge of the difficulties that parties sometimes experience in giving the notice; or making arrangements with you to attend marriages?—I never heard of any.

2409. They never complain?—No.

2410. Of the travelling, and the expense, and the loss of time?—No; and I have never missed a marriage yet; I have never missed an appointment in all that time, and I have never had a complaint.

2411. Do you never experience a difficulty in getting to the places at the proper time, because of the distance?—I never but once experienced a difficulty, and that was surmounted very easily.

2412. You have sometimes had more than one marriage in one day, have you not?—Oh, yes.

2413. Have you a difficulty in getting from one place to another?—No, none whatever.

2414. Do you see any reason why all registrars of births and deaths should not be also registrars of marriages?—I see no reason why a registrar of births and deaths should not be registrar of marriages, unless it be that, as in some cases it will happen, a registrar may have such a large district for either one or the other that the duties might not be properly performed; but still I do not know of any instance. In my own case it does not affect me at all. My births and deaths district comprises about 23,000 persons.

Sir *Francis Powell.*

2415. What is your population for marriage purposes?—The population has already, I think, been given for marriages: 99,695 is the population for marriages.

Mr. *Carvell Williams.*

2416. Are you the only person who can attend the marriages in the whole of that district?—Yes.

2417. Have you no deputies?—Yes, I have a deputy; we all have a deputy.

2418. Then the deputies are competent to attend?—Certainly. If I was engaged for registering a marriage during my hours of attendance for births and deaths, my deputy would have to attend, of course.

2419. When you expressed the opinion that the present system could not be improved, were you speaking of the registration, or of the marriage ceremony?—I was speaking of the efficiency of the civil work.

2420. As a whole?—As a whole.

2421. And not of registration mainly?—Yes; of the civil registration I was speaking, of course.

2422. But were you also speaking of the mode of celebrating marriages?—No; that is a thing I should not like to interfere with.

2423. Then you do not say of the necessity for the attendance of the registrar, that that is the most perfect system that could be devised?—Perhaps I am misunderstanding you. I have already said that the Bill that is at present before the House dispenses with the necessity of the registrar hearing anything.

2424. And you think that the present law is the best that can be devised?—I do.

2425. Notwithstanding the objections that have been taken to it by those for whose benefit the law was passed?—Yes, I am quite of opinion that that is so. If it was a personal matter, I mean if I was myself being married, I would prefer the present system to any other that I can think of.

2426. You have also expressed the opinion that the registrar should attend all marriages, whether in connection with the Church of England or elsewhere. I have two questions to put to you on that: Instead of removing any difficulties now experienced by Nonconformists, it would increase them, would it not?—Not if the officers were multiplied to meet the emergency.

2427. It would of necessity involve a considerable extension of the present system?—It would.

2428. And do you think that members of the Church of England generally are prepared to assent to such a change in the law?—Probably not at first; but I believe if the thing once got into working order they would never desire to alter it. I do not quite see what possible religious feeling there can be in the matter. If the registrar simply attends in the vestry and acts as a parish clerk, I do not see that there is any contact with any rites and ceremonies.

2429. You do not see it, but my question is what the members of the Church of England would see?—It cannot have any connection with the religious ceremony.

2430. You think that ultimately they would be willing to adopt the system?—I do, because from the one register that I produce a complete analysis of it is quite apparent that the clergyman has disliked the work of registration; in a number of cases he has simply put the date and the names of the parties, and got the register signed, and it has apparently been filled up by an illiterate parish clerk afterwards.

Mr. *Carvell Williams*—continued.

2431. The Committee has had ample evidence on that point; and, in view of those facts, I ask whether you think it is desirable to extend that system, by compelling Nonconformists to keep registers in the same way that the clergy of the Church of England do?—I should prefer a continuance of the present system, as I have said; but even the plan, which is mentioned in your question, is better than the one proposed, and would be more generally effective I believe; there would be fewer faults in that than in the scheme proposed under the present Bill.

Sir *Francis Powell.*

2432. You have a *5s.* fee I think for each marriage that you attend?—That is so.

2433. In the case of your being compelled to spend some money on the journey, can you charge it?—No, it is all out of pocket; we have to take the bad and the good together.

2434. Knowing as you probably do both Lancashire and Cheshire on the one hand, and Yorkshire on the other, are you aware of any difference between them as regards the matter under our investigation?—No, I do not know that there would be much relative difference. Of course, taking Yorkshire as a whole, the distances would be greater sometimes for a registrar to travel than they would be in Lancashire; but otherwise I do not think there are any other matters that would vary.

2435. It occurred to me at first that where we have two counties so close to one another, there would be no difference between them in this matter; but I am very anxious to know whether that opinion of my own is wrong or correct?—Your opinion is not wrong. I believe that generally the same conditions will apply to both; only that upon the special point which I mentioned of the Nonconformist ministers assenting or objecting, the Lancashire people have taken wholesale evidence as to their opinions, which I have not done. That is the only thing where I think we should differ, or as to which you could have much advantage by seeing their delegate.

Mr. *Powell-Williams.*

2436. I understand from you that you are of opinion that the registrars universally are against the proposal of Mr. Perks' Bill?—Yes.

2437. Have you met with any who are not against it?—No.

2438. They are all interested parties, are they not?—Yes, they are all interested.

2439. Do you think that that has anything to do with the judgment at which they have arrived?—I do not think it ought to have.

2440. No; I did not ask you that?—Excuse me; I mean that I do not think it is necessary for that to have anything to do with their judgment.

2441. You think it is natural that it might have something to do with it?—Well, it is natural to anyone not to like to lose any fees, that is sure.

Mr. *Powell-Williams*—continued.

2442. Do you represent to the Committee that you are ignorant of the undoubted fact that amongst the Nonconformist bodies there is a strong feeling adverse to the present system?—I know nothing of that but by hearsay, and I am sure it does not apply to my own district. You see, I give my ministers no trouble.

2443. Will you kindly address yourself to the question; it is a very simple one?—I am trying to give you reasons why it may be that I do not hear any objections.

2444. I wanted to know simply the fact; do you profess yourself to be ignorant of the fact to which many witnesses here have deposed, that the Nonconformist bodies have a strong feeling against the necessity for the attendance of the registrar at marriages in their case?—Well, I have heard that there is a strong opinion, but I do not think it is against the system so much as against individual officialism; that is my opinion.

2445. That is to say, that the system is not in their opinion bad, but that certain individuals, in carrying it out, have made themselves obnoxious? That is more my idea.

2446. Have you had any experience at all of sects in Yorkshire that are outside the ordinary bodies of Christians?—No, we have no registered places in my district outside the ordinary bodies of Christians, and therefore I have no experience of such sects.

2447. Have you the Salvation Army there?—Yes, but their marriages take place previously at the registrar's office.

2448. Their buildings are not registered?—Not registered.

2449. Do you consider that it is necessary therefore to maintain the registration of all places where a marriage can be celebrated?—I do; I think that the simple payment of 2*s.* 6*d.* would cause all kinds of places to be used for marriages. I think the fee of 3*l.* ought to be retained.

2450. Why should not "all kinds of places" be used for marriages?—I do not like to suggest anything in the shape of fraud, but it would work badly in another way: that illiterate people would have the conducting of marriages, and the returns that they made would often be incomplete and wrongly made.

2451. There are two things that I want to ask you on that answer; the first is, are you aware that in Scotland marriages may take place in any kind of place without registration?—Yes.

2452. Do you object to that?—I cannot object unless I know more of the working of the system; of course I am not on the spot.

2453. I will take that answer. The next question is this: have you never attended at the performance of a marriage ceremony which has been conducted by an illiterate person?—Not totally illiterate, but I have attended marriages on several occasions where the minister had a difficulty in reading the printed matter. He could sign his name, but he was so far illiterate that he had a difficulty to get through the service properly.

2454. Was he so far illiterate as to be unable to fill up say a duplicate certificate?—Yes, I should say so; I would not have trusted him to have done it.

Mr. *Powell-Williams*—continued.

2455. Now your suggestion is that the registrar should attend at all marriages simply as the clerk to do the registration, and not in the capacity of a person who has to witness certain words being uttered?—Just so; I have given my reasons for that opinion.

2456. I only ask you that to be quite clear as to it; but I point out to you that whilst you are defending the present system, you yourself suggest a change in it?—No, I said only as against the Bill now before the House; not that I say personally it is necessary; but it would certainly to some extent do away with the grievance.

2457. I take it from your answers that you now suggest that the present system should be modified to this extent; that the necessity for the attendance of the registrar at the religious ceremony should cease, and that he should only attend as the clerk in the vestry to make the registration of the marriage?—Yes; I know there is a principle involved, and in order to deal with that point I do not see why that course could not be adopted.

2458. Why do you make that suggestion that the registrar should not attend at the religious part of the ceremony; is not that because you are aware that it creates a grievance?—No; only so far as the official appears in the place where the ceremony is being carried on, of course it creates a feeling of annoyance.

2459. That is the first question I asked you; I asked you whether you were not aware that that there was a feeling of annoyance; and now you say, as I take it from you, that in order to get rid of that feeling of annoyance you would modify the present system, and make the registrar a mere clerk in the vestry on all occasions to record the marriage?—If anything is altered, I think that would be the best method to adopt.

2460. Why do you suggest any alteration at all?—Simply because the Bill is before us now.

2461. Now you suggest, I suppose, that if he did so attend in order to record the marriage, he should receive a fee?—Certainly.

2462. Of course you are aware that no fee is payable to him in relation to marriages in the Church of England now?—Certainly.

2463. Therefore what you suggest is that the fee which now comes from the pockets of the people married in Nonconformist places should be a necessity also in the cases of marriages in the Church of England?—Yes; but not altogether. There is a little matter that may possibly have been overlooked by you. You may or may not be aware that at present the State pays 6*d.* each to the clergyman for making every copy of a marriage register during the quarter, and that for each church the registrar is paid 1*s.* for collecting the copy.

2464. That does not come out of the pockets of the persons married?—No; it comes out of the State funds.

2465. I put this to you: that whereas now it is only in the case of Nonconformist marriages that a payment to the registrar has to be made by the parties married, your suggestion is that

Mr. *Powell-Williams*—continued.

that system should apply also to marriages in the Church of England?—Yes.

2466. Then I ask you, do you think that that is not likely to be very strenuously resisted?—It would be in the first instance I have no doubt.

2467. You are suggesting to us to put a fine upon people marrying in the Church of England which they do not now incur; do not you think that that would always be resisted?—I do not think that it would always be incurring a fine. For instance a person who was married in the Church of England was telling me the other day about his own case; he lived in one parish; his intended wife lived in another——

2468. That is not an answer to the particular point I put to you?——

Mr. RICHARD FOULKES GRIFFITHS, called in; and Examined.

Chairman.

2469. YOU are a barrister-at-law, and you are a member of various Nonconformist councils, but especially you are honorary secretary of the General Baptist Association?—Yes.

2470. Do you desire to see an alteration in the present system of the attendance of registrars at Nonconformist marriages?—Yes. I think that the present system is a source of very great inconvenience and annoyance to three parts of the people who get married in Nonconformist chapels.

2471. Will you explain in what way?—The annoyance and difficulty arises first of all in the difficulty of ascertaining who the officials are that you have got to go to. As distinct from the old saying, "first catch your hare," it is Whom have you got to catch? The Nonconformists have great difficulty in knowing who is the particular official that they ought to go to. In the case of the parish church, for instance, everybody knows that the parish is the unit; everybody knows what a parish is in the country districts, but in the country districts there are very few, especially with the more ignorant, who know the boundaries of a union, and it is the union boundary that defines officials for Nonconformists. And then the next thing is that, after they know the boundary, whereas anybody would know the vicar, that he was the head man of the parish to go to, there are a very large number of Nonconformist people who have lived long in a district and have no idea to what particular official to go. And then another point is that in some cases they have to go not only to one registrar, but to two, and in some cases, not infrequently, to three registrars.

2472. How is that?—When the two persons live in different districts, and when the chapel is in a third district. So that that is the first difficulty, that of ascertaining the officials. Then the next difficulty is getting at the officials. Now in the district where I now live, I remember the case of a Nonconformist minister being married; they lived in the Marylebone and Paddington districts, and he could not find for a good long time where he had to go to see the registrar; he had to get a directory, and sometimes the directory gives insufficient data; you have difficulty in finding the address. After you know the unit there is difficulty in finding the actual office of the man; in that case he lived four miles off.

2473. This is really the same difficulty as you mentioned before. The man and his office you mean are both difficult to find?—Yes; putting them together it raises the same point as before.

Chairman—continued.

And in rural districts people often have to go 10 miles to give the notice and declaration.

2474. They cannot do it by post?—I will come to that under another difficulty, that arises on account of a very curious mistake in the drafting of an amending Act, so that it cannot be given by post though the original Acts intended it should. Up to 1856 it could, but after 1856 it cannot.

2475. It can no longer?—Not after 1856. The difficulty arises in finding the man in this way: a man lives in a parish; I knew a parish, the parish of Tarporley in Cheshire; the registrar lived 2½ miles away; he was also registrar of births; it is the duty of a registrar of births to attend in different parishes at different hours of the day; so that if a man went from Tarporley to the house of the registrar of births, he might make three journeys and not find him at home; the probability is he would have to make more than two; and if he went to the superintendent registrar he would have to go 10 miles to get to the superintendent registrar's office. I remember a case at Hucknall Torkard, Notts, where they had to go seven miles to get to the registrar; that would be on account of a boundary difficulty of course. Then a third difficulty is with regard to the various notices, and this is what you asked me about just now. To put it in a concrete way, I might just mention the difficulty I had myself in being married in the town of Nottingham, which illustrates this very clearly.

2476. Do you live in the town of Nottingham?—I did at that time. The lady I was to be married to lived four miles out of Nottingham; I was to be married in a chapel, which she and her family attended, a chapel connected with the district where they lived; it was about three miles out of Nottingham. I went first of all to the registrars for the Nottingham district, the borough district where I lived, according to the Acts, and gave my notice; the registrar told me, "I am not the man to receive this notice; what have I to do with it," and he rummaged up his books and said, "you must give me the notice, I see, because you live in my district; I have nothing to do with this wedding at all; you must go to another man, Mr. Forth"; that was a place two miles the other side of where I lived, because Nottingham borough is divided into two unions.

2477. Might we not put it shortly that there is great difficulty?—It is to explain a question which you asked me just now as to how the necessity

Chairman—continued.

necessity for going to three registrars arises. I went to him; he said, "I cannot give you a certificate, you must get one from Shackleford Union." I had lived in Nottingham many years, and did not know where that was; he himself did not know; it was a place where there was a workhouse. I got the certificate at Shackleford, and then he had to take it because the chapel was in his district. So that there were the registrar where I lived, the registrar where the lady lived, and the registrar where the chapel was; three registrars had to be informed, which was a matter of nearly two days' time. This time would be exceeded if the time fixed by the registrar was not convenient for the pastor.

Mr. *Perks.*

2478. And which would have been much more aggravated in the case of an agricultural labourer?—Yes, he would practically have been unable to do it; and I know many cases in which agricultural labourers and workmen in despair go to the parish church, because they cannot go through all this. Then the fourth difficulty is in the indistinctness and incoherence of these statutes which cause a great deal of difficulty. The first set of Acts require notice to be given to the Superintendent Registrar, signed by one of the parties in the district. In 1856 another amending Act was passed, requiring that in addition to the notice there should be what they call a "declaration that they know of no legal cause or impediment." Now it also requires that that declaration must be signed by the party giving notice in the presence of the registrar for the district where he resides, and I can venture to say that if it were strictly carried out the difficulties would be very much increased. The Registrar General, in fact, allows registrars to break that Act continually. It means this: a person lives in the district of B.; he can give notice to the registrar of that district; according to the original Acts he can go to the district of A. where the bride lives, and give notice there; for all that the original Acts require is that one of the parties should give notice; that would be quite within the Act. But this amending Act requires that the declaration should be signed by the party residing in the district of the officer who receives the notice; so that both parties must go and sign in that way, because though the man may give the notice in a district where he does not live, yet he has no right to sign the declaration for that; though it is done; but when people read it they are very much puzzled, and a great many people who read the Act, find a great deal of difficulty in knowing what to do. The preliminary difficulties in those cases are very great. And then this Act of 1856 introduces one point which has been referred to here just now; it enables the declaration to be signed in the presence of a registrar of births and deaths; so that the attestation may be given by a registrar of births and deaths who knows nothing at all about the marriage law, as well as by the registrar of marriages. That is the only case in which a registrar of births and deaths as such is introduced into the formalities in our English law. It is almost impossible to know the reason why he should have been so introduced. If that attestation were done accurately, there would be very much more difficulty than there is at present. Then another difficulty with regard to our present position is one that arises out of the inflexibility of a statutory provision. That is one of the great difficulties in it. I may mention a case that occurred last Good Friday. A woman was to be married to a man; the woman lived in Marylebone, and she was to be married to a man living in the East End; her daughter was to be married on the same day, both at the same service. A large number of people came to the chapel on Good Friday morning. The widower who was marrying the mother came with one certificate (that is, the certificate from the woman's district alone, and never brought a certificate from the East End. They came to the service, and the registrar said: "My instructions are that I cannot permit the service unless you have got both certificates." There was no doubt at all that both certificates had been notified, and there can be very little doubt that a responsible clergyman in the Church of England service would take it for granted that all had been done. There was no legal way of proving it or disproving it; but the registrar said: "I cannot do without this certificate." The result was that they took a cab at 12 o'clock, drove to Commercial-road, went to the place where the registrar lived; but it was Good Friday, and he was out for a holiday; they went to his deputy and they did not come back until after it was after 3 o'clock. That is the sort of difficulty that results from requiring two certificates, and absolutely requiring them. If a clergyman marries people in a parish church, and the banns have been given in one district, and he knows, on good evidence, that they have been given in the other district, he would not refuse to marry because there was no letter.

Mr. *Perks*—continued.

Chairman.

2479. You say that the present system is cumbrous and uncertain; that is what it comes to?—Yes; that would be putting it shortly. Then I should like to mention, with reference to one or two societies that I have belonged to, that they have considered that there is a grave objection to one of the clauses in Mr. Perks's Bill, if I could mention it now.

2480. That Bill is not before us?—The fact that a similar Bill is in operation in Ireland has been mentioned. That is not accurate. The Grogan Bill in Ireland requires notice to be given to the minister of the chapel; to the minister of the wife's chapel and to the minister of the husband's chapel; that is the Grogan Act; it requires three separate notices to be given. In the suggestions which have been made there is no equivalent for that; so that it would be open to a person to get the license from the registrar; and if a young woman had been seduced, and they wanted to get the name of a marriage, she would get the license, enter it up with her own hand, it would be sent back to the registrar, and there would be no possible way of ascertaining that there had been a fraud at any time.

2481. Then your point is that if any new system is introduced, the safeguards contained in the Irish system should be adopted?—Yes;

Chairman—continued.

rather than adopting the system which prevails in Scotland, where there is the well-established public opinion that the marriage can be done anyhow, leaving safeguards out.

Sir *Francis Powell.*

2482. You spoke about the difficulty of ascertaining the boundary of the union, and you also spoke of the inflexibility of the statute law; do you think that it is unreasonable that when persons undertake so solemn and so important a contract as that of marriage, securities should be taken?—I think securities should be taken; but to answer your question the difficulty which I would point out would be mitigated if something like the Church of England system were adopted. They go to the vicar in the Church of England. If our people were enabled to go to the postmaster, everybody knows where the post office is, and they could do that without difficulty. I do not say that would do, but if they could go to some well-known official that everybody could find, the difficulty would be removed; but very few people know the exact boundaries of unions.

2483. Still if they went to some official according to your suggestion, that official would only have jurisdiction within a certain boundary, and the parties would still have to ascertain that boundary would they not?—Yes, but I want a boundary which would be easily ascertainable instead of a boundary which, as at present, practically no one knows. There are very few people who know which parishes belong to a union and which do not.

2484. Can they not make inquiry?—In the first place the agricultural people and poor people do not know that the union has anything to do with it; and young people who get married are not ratepayers as a rule, so that they know little about it. I have found very considerable difficulty on the part of people who ought to know it well.

2485. But do you admit the general principle that I have laid down, that precautions ought to be taken?—Yes.

2486. And do you think that it is unreasonable that people should be put to some little trouble, if necessary, in order to secure publicity and so forth in regard to marriage?—The trouble which people are put to that I object to, is trouble that people who pay the license fee of 2*l.* 10*s.* are not put to.

2487. Laying aside the objections which operate in your mind, can you tell the Committee in a few words what method you suggest?—I should prefer myself Grogan's Act, as in Ireland, to the Scotch method; that is, that there is a large irremovable book in each place.

2488. You think that it ought to be registered?—That there ought to be a book in each registered place of worship, so that the avowal could be registered as having taken place at that registered place of worship, and the people who were there could sign that book, and there would be no difficulty about waiting for anybody.

2489. Do you think that marriages ought to be celebrated in places of worship which are not registered?—No, I think the limitation in Grogan's Act in Ireland is that it can only be in the registered places. There is another Act

Sir *Francis Powell*—continued.

in Ireland, Mousell's Act, which applies like the Scotch Act; it would not apply to Nonconformists, I think; only in a country like Ireland, where the churches are Catholic, and under a different jurisdiction from that which, for instance, Baptist chapels are under.

2490. Whom would you have to celebrate a marriage?—I should adhere to the principle in the original Acts. All up to 1856 speak of marriage without making the slightest reference to the celebrant.

2491. Would you allow any person to marry people?—All our English Nonconformist registration Acts up to 1856 ignore the celebrant; in fact the 1856 Act does not bring in the celebrant. The principle of our Act is that two people come forward and repeat certain words before two witnesses and the registrar; there is no room for the minister in the Act at all.

2492. I am upon this point: you wish to abolish the attendance of the registrar?—Not necessarily. I wish to abolish the absolute necessity of a registrar, under all circumstances, being present, and there being no means of meeting an accidental difficulty.

2493. Then I may assume that the registrar at any given marriage is not present?—I should want the marriage to be able to go on without him.

2494. Who should officiate?—Under the present Act nobody officiates.

2495. I know that; my question is, who should officiate in the case supposed?—Nobody officiates now. I will put it in this way, that at the present the parties are responsible, and it would be wise I think to improve the security of the present Act by making some householder, or ratepayer, a necessary witness.

2496. In point of fact you would have a law containing no provision whatever as to who is to officiate?—Yes; that the law should remain as at present as regards that. I belong to the Baptists; we should entirely object to a suggestion as to any person officiating, because we do not recognise ministerial orders.

2497. But you recognise ministers in the denomination?—So far as to pay them, and help them, and receive services from them; but any minister may be a minister in a little chapel.

2498. I was looking to the person recognised as minister?—In any Baptist chapel in the country if the registrar is present, and the parties are present, the parties can, by saying to one another these words, without any minister being present, go through a valid marriage.

2499. In your chapels, you mean?—In any chapel. In our chapels they frequently do it with an ordinary member present to see that order is observed. It is not customary for a minister to be always present.

2500. Then your proposal would be that that state of things should continue, the registrar being absent?—Yes, so far as regards the minister; but that there should be security provided by the presence of some person who could be found out; I want an ascertainable witness to be present.

2501. Do you mean a householder, or a freeholder?

Sir *Francis Powell*—continued.

holder?—A freeholder would be, perhaps, better than a householder; either would do.

2502. Some person who could be identified, you mean?—Some person who could be identified and traced. I think that is the difficulty of the suggestion made by Mr. Perks; there ought to be somebody present who could be identified.

2503. Then it would not be satisfactory to you for the law to provide that a marriage should be celebrated either on the one hand by a minister of your denomination, or on the other hand by a minister attached to, or belonging to, any particular place of worship; neither of those would meet your view, I take it?—No, it would not.

2504. We have had complaints in this room as to the non-attendance of registrars and delay, and we have been told (I must say with some force) that those who are married, having suffered great inconvenience, do not complain; the matter is over and life is short, as the phrase is, and they say nothing about it; but what has surprised me is that those connected with the places of worship who desire to have future marriages celebrated conveniently in their places of worship do not complain; how do you account for that?—In the vast majority of Nonconformist chapels a marriage would not occur more than three times in a year, and it is not always the same registrar that officiates in a town chapel where marriages would occur more frequently. In a town like Nottingham, where there might be from seven to twelve marriages in the course of a year, you would find during that year three or four different registrars attending; and whenever any one registrar commits any fault like this, nobody likes to make a complaint which would cause him to lose his post.

Mr. *Carvell Williams.*

2505. You complain that the existing law regarding the marriage of Nonconformists is too complex and too inflexible, and is a source of great inconvenience to many Nonconformists?—Yes, "complex and inflexible" describe my view of it.

2506. And you further complain that marriage is much easier in the Church of England than it is among Nonconformists?—Yes; the difficulties and hindrances would be quite like four to one, apart from the fees.

2507. Admitting that it is needful that due security should be taken when marriages are celebrated, is there, in your opinion, any reason why greater security should be required in the cases of Nonconformists than in the case of members of the Church of England?—No; but I should be sorry for Nonconformist marriages to be conducted with such laxity that it would be as difficult to prove them as it is in some Church of England places. Nonconformist marriages at present are safer than the Church of England marriages so far as regards proof, and I should not like them to be reduced to the level of the Church of England registry. There was a case which got to the Crown Court for Reserved Cases last month, showing difficulty with regard to proof of an Irish marriage. It does sometimes arise in Ireland that there is difficulty of proof; but with our Nonconformist marriages at present there is no such difficulty.

Mr. *Carvell Williams*—continued.

I should not like the security to be reduced. But what I object to with regard to that point is this, that the preliminary hindrances which I have laid most stress upon can be entirely evaded by the payment of a license fee; and the people likely to do tricks would be the people who would pay the license fee; such people then are altogether removed then from the checks that affect the poor.

2508. The view has been expressed that the objection taken to the present system could be met by simply requiring the attendance of the registrar in the vestry, to register the marriage after the marriage service itself; in your opinion would that meet the objections that are taken?—No, not at all; the present law permits that if within earshot. It would not meet even the fringe of the objection, because if the registrar must be present, there remains the main difficulty, having to wait for him to come, and whether he is to be in the vestry or not, is simply a matter of sentiment. If we could have something like what the Church of England clergyman has we should be relieved. The Church of England clergyman is the registrar in his parish technically, and can ask any clergyman to take his place; but with us if the registrar is not present, nobody can, in an emergency, be asked to take his place. If the same privilege were given to the registrar in a Nonconformist chapel as is given to a vicar who can ask any one in holy orders to take his place, the main difficulty would be removed; but the putting him in the vestry would only remove a sentimental difficulty.

2509. Do you think Nonconformists would be willing to keep registers of marriages in connection with their places of worship—to be compelled to do so by law?—No, I do not think they would; if it were made compulsory there would be a difficulty; but I think it might be as in Ireland, that such Nonconformist chapels as were conducted with a number of officials and plenty of orderliness, like most of the large chapels and the Wesleyan chapels which are conducted on very regular systems, could get books; I think if those chapels could get books it would be a great advantage, and that if they did not take the trouble to get the books it would be their own fault if they had to wait for the registrar.

2510. You are aware that a great many errors are found in the registers kept by the clergymen of the Church of England?—Yes. The objection so far as it is made against irremovable register books in a chapel is not exactly a fair one, because all the points that the Government requies to know are given already to the registrar when the notice is given; that is in effect a partial register, and might be made to be a sufficient register, with a simple note that the celebration has taken place over it. There ought to be a sufficient number of facts obtained when the notice is given. I have got here one of the notices for the State of New York (*producing it*), and if a notice like that were taken by us, the notice would be made almost as important as the registration, so that all you would want would be to prove the notice, and prove the celebration on the top of it.

2511. Then in your opinion registration under Mr. Perks's Bill might be better even than regis-

Mr. *Carvell Williams*—continued.

tration in the Church of England now, because it provides additional safeguards?—Yes, except for this difficulty that in the Church of England system there is absolute evidence, incontrovertible evidence, as to whether a marriage took place or did not take place. Under Mr. Perks's Bill, as far as I can read it, there is no means of proving whether a marriage between a man and woman actually did take place. The only proof is a signed bit of paper; there is no proof that any two persons came to the chapel; and I should like what was mentioned by Sir Francis just now, either a freeholder or a householder, or somebody required to prove that the people met together in public acceptance of one another, in addition to what is provided by Mr. Perks's Bill.

2512. Being thoroughly acquainted with Mr. Perks's Bill, you are of opinion that, with perhaps some additional safeguards, it would prove to be a practicable and useful measure?—I am quite certain that with safeguards which would almost certainly be put into it if it were considered in Committee of the House of Commons, it would be a very practicable and a useful one.

Mr. *Perks.*

2513. The Baptist Union I think takes that view as far as you are aware?—I was present when their leaders were discussing it. I perhaps might say that the men who are leading men in the Baptist Union are necessarily men somewhat advanced in years, and the more advanced Doctors of Divinity among us look with less regard to the sentiment of the service than the younger people do; so that the older people have a larger proportion among them who prefer civil marriage; the younger people do not think civil marriage as now avowed in a registry office would be sufficient; they want a marriage in a public place where their neighbours meet together.

2514. There is only one point I will read to you. I do not propose to ask you any question about all these preliminary points affecting registration and the multiplication of registrars, all of which are very important, but would hardly be covered, perhaps, by the present inquiry, but I want to ask you one point: the notice under the scheme which is presented in this Bill, is to be delivered by the registrar to one of the intending contracting parties; now, do you think it would be an improvement if that notice were posted directly to the minister who was going to perform the ceremony?—No; that was the view of one of the councils which represent Nonconformists, and a very large representative one; but I could not accede to that. That was the one that Mr. Clapham was secretary of, the Wesleyan Committee of Privileges convened it; they passed a resolution in that way; but, it seems to me, that it fails to recognise the difficulty. If you name the minister, as well as the chapel, and the minister happens to be absent, there might be as much difficulty in finding a substitute for the minister, as in finding a substitute for the registrar.

Mr. *Powell Williams.*

2515. Or there might be no minister at all?—In Baptist places there very often would be no minister at all.

Mr. *Perks.*

2516. The Irish Act, which you have referred to, does name the minister?—Yes; and names the minister of the parties.

2517. The notice by the Irish Act is to be sent, not only to the minister of the church where the marriage is intended to be solemnised, but to the minister of the church or chapel where the parties have been in the habit of worshipping, if they have been in the habit of worshipping anywhere; and then the Act goes on to say that the marriage must be solemnised by the minister of the church named in the notice?—Yes, subject to certain substitutions with a minister of the same sect; that would make it almost as bad as it is at present, if he happened to be away.

2518. We have had very powerful evidence given to us here that that has worked admirably in Ireland. One of the difficulties represented to us here has been this: that between the registrar and the minister there is a sort of hiatus providing an opportunity say for fraud, which we want to bridge over or get rid of; do you think that that might be got rid of by not entrusting this notice to one of the contracting parties, but by posting it direct to the minister of the church?—No, I do not think that would be safer. In Ireland there are very much fewer Nonconformist chapels of the more democratic type than there are in Lancashire and Yorkshire, and in Wales generally; and the difficulty, therefore, would not arise so much in Ireland. If you posted it to a minister in England, and named the minister, it very often happens that that minister would not be available on that day; he may be a lay preacher.

2519. Then you would be perfectly satisfied to give that notice to the contracting parties, or one of them, relying upon the man's own interest that the marriage should be effectually and legally solemnised?—Yes; but I think you are using the word notice in a different way from that in which it is generally used in Grogan's Irish Act.

2520. I meant certificate?—I would give the certificate to the contracting parties; but in Grogan's Act they give notice to the minister as well; but if you gave notice in addition to your certificate to some official in each parish, say the registrar to the parish, or the clerk to the parish council, or the assistant overseer, or anyone like that, you would remove the possibility of a bogus registration.

2521. We have had evidence given to us already that the registrar complains that he does a great deal of work for a very small remuneration, and one does not want to impose upon him more duties; you are aware that in the Wesleyan and Primitive and New Connexion, and Free Methodist churches, according to their trust deeds, they all do keep registers in their chapels at the present moment, and many Congregational churches also?—Yes, and some of the Baptist churches, but not many.

2522. Does it occur to you that, to get rid of the danger arising from the loose sheets of paper you spoke of going back to the registrar, an official entry might be made in a book at the chapel; that is to say, that the book itself, the register, which is provided in Scotland, and in Ireland I think too, at the public expense, might

Mr. *Perks*--continued.

might be signed by the two contracting parties to the marriage, together with the two attesting witnesses and the minister?—Yes; that would meet my difficulty, the written declaration in the proper book would be valid like a will if attested as such before certain witnesses of credit.

2523. And the document that would go back to the registrar would simply be a copy of that entry certified by the minister or some official of the church; would that meet your difficulty?—Yes; and I should make it the duty of a registrar to go to the chapel and make a copy of it in his own book. I should not allow the minister's copy to be the statutory one for proof in future years.

2524. The statutory copy would be the one, I suppose, taken direct from the book itself?—Yes; I would make the registrar responsible for going there to get it.

Mr. *Powell Williams.*

2525. Could you, in a few words, give us your idea of the best system of registration?—If I were to put it theoretically without sentiment, I should put it differently from the actual and practical one. I think the best, theoretically, would be for us to be able to get the certificate from a postmaster; that wherever there was a Money Order Office you could give all preliminary particulars so that you could get the preliminary certificate that way, and that you should then define the act of marriage something like the way in which you define the act of making a will; that if two parties sign a certain book, which would be allocated in a registered place of worship, in the presence of three witnesses, that will be a marriage. I think if you did that with any necessary securities or formalities that would be enough.

2526. How would you provide for marriages taking place in places that are not registered?—I would not allow that to be done in England. It may be practicable in Scotland, where there is a consensus of opinion with regard to avowal of marriage, but it would not do in England.

Mr. *Perks.*

2527. Not even in the Post Office?—I would consider that to be a registered place if it were so used.

Mr. *Powell Williams.*

2528. Might there not be this difficulty, that if you allowed important preliminaries of marriage to take place at the Post Office, you would also get important preliminaries of divorce taking place there?—I do not think you would.

Sir *Francis Powell.*

2529. As to the Post Office; you know the age of the attendants at the Post Offices who supply for Post Office Orders; are those the persons who should give certificates for marriage, according to your proposal?—I meant that, theoretically, doing it through the Post Office would be the easiest way; but, certainly, owing to the fact that the attendants at the Post Office are frequently young ladies, there might be a difficulty. That was what I alluded to just now.

Sir *Francis Powell*—continued.

2530. Have you any acquaintance, yourself, with the State of New York?—No; that paper which I produced was given me by a minister who had been there; he said their custom was for the minister to go to the office and get the necessary papers like those, and the minister was responsible to send them back to the registrar.

2531. Are you aware that in the State of New York the minister who fails to do that is liable to a severe punishment?—Yes; and I know that an objection to any Bill interfering with the present custom is that it would make the minister liable to punishment; that is very much objected to. At present, being ignored, they are liable to no punishment.

2532. Do you know what is the interpretation in the State of New York of the word "minister"?—I should not like to attempt to give it accurately.

Mr. *Perks.*

2533. With reference to the Post Office, if we had parish councils the clerk of the council would be, in your judgment, perhaps, the most suitable person to act in this matter?—Yes. I do not think the clerk of the board of guardians would do; his district is too wide.

2534. The clerk of the guardians is also mixed up with the poor law in a way that is objected to?—Yes.

Mr. *Carvell Williams.*

2535. It has been suggested that a designing person might fill up a certificate of a marriage which had never taken place, and send it to the registrar for the purpose of registration?—That might be done undoubtedly under Mr. Perks' Bill.

2536. Would not that be prevented if it were the duty of a registrar, on receiving the notice of a marriage to take place in a certain place of worship, to send an intimation of that fact to the authorities connected with the place of worship, with the request that they would forward an intimation to him that the marriage had, or had not, taken place?—Yes; the difficulty would be met in that way.

2537. In that case, if the marriage had not taken place the registrar would not enter it into his book?—Or he would enter it with a mark, so that in case any proceedings were taken in the Probate Court, or a Nullity action or Jactitation, afterwards, that mark of the registrar would make the notice be for what it was worth; and if the registrar had registered the return of the "loose sheet" signed—and afterwards inserted any note like that to imply doubt, it would be of very great importance. It would be sufficient, I think, for all practical purposes.

The Rev. JOSEPH HASLER, called in; and Examined.

Chairman.

2538. YOU are a minister of what persuasion?—A Baptist minister.

2539. At Andover?—Yes.

2540. And have you experienced inconvenience from the present system?—Not to any very great extent, and especially less of late years than in years back. Some years ago when I was living in a rural district I did meet with inconveniences, more especially through the uncertainty or irregularity of the attendance of the registrar. That was one point of difficulty. Another point of difficulty was the distance which the contracting persons had to go, either to give notice to the superintendent registrar, who lived three miles from the chapel where I then officiated, or later on to the registrar who lived six miles away. I have known a case in which the parties attended at the time fixed, 10 o'clock in the morning, waited till nearly 12, and no registrar came.

2541. We have had cases of that sort already before us; you heard the evidence given this morning by another witness as to the inconveniences he had experienced, and yours have been, I may take it, very much of the same character?—Yes. Of course in the place where I now live I am not so likely to meet with those difficulties. The superintendent registrar lives in the town and the registrar lives in the town. I might, perhaps, say that the difficulty in part, owing to the distance that persons have to go to give notice, could be met by increasing the number of registrars and superintendent registrars.

Mr. *Carvell Williams.*

2542. Do you mean that, if the registrars of births and deaths were also registrars of marriages, that would mitigate the inconvenience, or that there are an insufficient number of registrars of all kinds?—I am not in a position to say with regard to registrars of births and deaths.

Chairman.

2543. Apart from the inconveniences of distance which country districts must more or less suffer from, an occasional forgetfulness, is there anything in the system itself which you think objectionable?—The system of the attendance of the registrar, do you mean?

2544. The present system as it is under the existing law?—I do not know that I should very strongly object to the presence of the registrar. What I think would be an improvement, and certainly fairer and more just, would be for the same plan to obtain in the celebration of all marriages whether at Nonconformist places of worship or at the places of worship of the Established Church. The registration I look upon as a matter coming within the province of the State, and it should be done by a State servant. You would thereby secure, I believe, greater accuracy of registration; and I think if one system obtained for all the population there would be less perplexity, less difficulty in knowing what persons would have to do, who were thinking of getting married.

Chairman—continued.

2545. You would put in fact the registrar in the church as well as in the chapel?—That is so.

Mr. *Perks.*

2546. Do you represent more than your own church in the views you express?—I assume that I have been requested to attend here in my capacity as secretary to the Southern Baptist Association.

2547. How many churches does that represent?—Fifty-six churches, and including some 81 places of worship.

2548. I suppose that generally you are in favour of the non-attendance of the registrar?—Personally, I am not.

2549. But what is the view generally of your churches?—I think the view of our churches would be in favour of the presence of the registrar. I had to communicate a resolution passed at our late annual meetings held a few weeks ago and that resolution deprecated the appointment of ministers as State servants, and therefore it would be opposed to the absence of the registrar as the State servant.

2550. I suppose that would be the overwhelming argument in the minds of most of your fellow ministers?—That was the main point that was discussed; that was a distinctive feature upon which we all agreed.

2551. Subject to that, I suppose you would prefer not to have the registrar?—I think it is very important that you should have accuracy of registration, and I do not know that you can secure that much more easily than you can under the present plan.

2552. Have you or any of your ministers expressed the same objection to perform the functions of burial on the ground that they thereby become State officials?—I do not exactly see that they are State officials.

2553. Do not you perform those duties in a public churchyard under the Burial Act?—Yes.

2554. Do you find that your ministers object on the ground that they are discharging public duties under penalty?—They are not the servants of the State in that capacity; I do not understand them to be so.

2555. I want to know whether you could draw a very clear distinction between the distinction between the discharge of duties at a funeral under a penalty, and the discharge of duties at a marriage under a penalty; how is a man a State official in the one case when he is not a State official in the other case?—His services are not required at the burial by the State.

2556. He is not bound to go, I will admit; but supposing he does so, he is bound under penalties, is he not, to perform the duties, and to sign the register?—The Burial Act prescribes no duties.

2557. But I am asking you, if you could, to tell me what gives rise to the sentiment in the

Mr. *Perks*—continued.

case of marriage which did not give rise to the sentiment in the case of burials?—I fail to see that the officiating minister at a burial is a State servant.

2558. But where is the distinction, can you tell me?—He is not appointed to it by the State; he would be as the registrar of marriages.

2559. No, not unless he chose to discharge it. Our scheme is optional. For instance, if you at your chapel say, "Nothing will induce me to become a State official," in your congregation, we must have the registrar and the registrar will come; were you aware that the scheme was entirely permissive?—I understood that that was the distinctive feature of it.

2560. Does it not seem to you in that respect to meet the case of the minister who on conscientious grounds objects to marry people?—So far it does.

2561. You think it would so far?—So far undoubtedly.

2562. Would you think it, I will even say, reasonable, to refuse to concur in a concession which was desired by Nonconformists generally, because some small section of them, perhaps, have a theoretical objection, which objection may be met in that way; would you say, "I will not allow another minister to have the privilege," if he and his congregation desire it on the grounds stated?—No, I should not say that.

Mr. *Carvell Williams.*

2563. You have said that you think the same plan should be adopted in reference to marriage by all parties; what plan?—So long as a registrar is required, that plan.

2564. And have you reason to think that the members of the Church of England would assent to have imposed upon them a functionary who is regarded as so objectionable by a large number of Nonconformists?—I think it is very doubtful whether they would; not on that ground altogether.

2565. And when you speak of the "same plan," have you in your mind the notices prior to marriage, as well as the performance of the marriage service?—Yes, precisely. I would make no distinction in the citizenship of the individual.

2566. That is you would not allow marriages to take place as easily as they now can in the Church of England, but you would compel all parties to go through precisely the same form?—Precisely; citizenship should be the same in every instance.

2567. You say that you have an objection to Non-conformist ministers being State servants; are they not just as much State servants now, in officiating at a marriage, as they would be if, after the marriage, they had simply to return the certificate in an envelope to the registrar?—They would be responsible in that latter instance I take it for the registration; in the former instance they are not.

Mr. *Carvell Williams*—continued.

2568. How do you come to that conclusion?—They are bound to return it according to your question.

2569. And is not that the extent of their obligation?—I suppose they would be required to see that it is correct as well as it is returned. When I officiate at marriage now I am not responsible for the correctness of the entries; the registrar is.

2570. When you say "correctness of the entries," do you mean in the registrar's book?—Yes.

2571. Are you aware that under Mr. Perks's Bill the entries in the registrar's office would still be made by the registrar but at his own office, instead of the place of worship?—I have not made myself thoroughly acquainted with Mr. Perks' Bill.

2572. Are you aware that under Mr. Perks's Bill, the minister officiating would be in no sense a registrar of marriages?—I thought that in the absence of the registrar at the ceremony, the minister would, to a certain extent at least, take the registrar's place; that is, that he would bear testimony to the fact that such a ceremony had taken place.

2573. He signs the registrar's book, does he not?—Yes, he does.

2574. Then in what respect would he be a State Official then in which he is not a State official now?—Because he would be responsible, if I understand the matter aright, for sending the information to the superintendent registrar, or the person appointed to receive that information.

2575. And you think that would constitute him a State official?—Yes.

2576. You are aware that two witnesses must attest the marriage?—Quite so.

2577. Do you consider that they are State officials because they act in that capacity?—They are not appointed to that office. There is no State appointment. I should say that in the existence of a State official, there must necessarily be the element of appointment to that office by the State.

2578. Are you aware that, under Mr. Perks's Bill there is no such appointment?—I am not aware of that; but I say that those witnesses are not State officials, because they are not appointed by the State.

2579. Are you aware that neither is the minister under Mr. Perks's Bill appointed by the State?—Exactly so.

2580. That there is nothing in the Bill about the minister?—I am not aware of that.

2581. Then you have not studied Mr. Perks's Bill?—I have not. I did not know that I was required to come here with a perfect acquaintance with Mr. Perks's Bill.

2582. Are you aware that when ministers officiate at cemeteries they are obliged to sign the cemetery register?—I never do.

2583. Are you not aware that the ministers usually do?—No, I am not.

Friday, 7th July 1893.

MEMBERS PRESENT:

Mr. Jordan.
Mr. Oldroyd.
Mr. Perks.
Sir Francis Powell.
Mr. Carvell Williams.

SIR FRANCIS POWELL IN THE CHAIR.

The Rev. JAMES MCDOUGALL, called in; and Examined.

Chairman.

2584. WILL you state in what capacity you come here?—I come from Manchester; I am a Congregational minister. I have been 27 years in the ministry.

2585. I believe you wish to favour the Committee with your views as connected with your own denomination?—Quite so.

2586. Might I ask whether you speak from your original knowledge of the subject, as one with which you are familiar, or whether you come here as the spokesman of any meeting or society?—I do not come as the mouthpiece of any society, but I speak with a large knowledge, not a perfect knowledge, of the views of nearly all the ministers of our churches in Lancashire.

2587. And you attend here at the suggestion of a Member of the Committee, as one eminently qualified to express those views?—Qualified to do that, certainly, I think.

2588. In the answers which you are about to favour us with, do you speak for the Congregational body, or for Nonconformists generally?—I speak for Congregational ministers of Lancashire.

2589. Will you express the views that you desire to put before us?—May I explain in what way I may express their views?

2590. Certainly?—A suggestion was made that I should communicate with all the ministers, and I wrote to them requesting their opinions upon this subject which the Committee are dealing with.

2591. All the ministers in Lancashire, do you mean?—All our ministers in Lancashire. I issued 172 letters. There are about 172 pastors, who have been in their positions, perhaps, more than six months, and to these I issued letters; and I have received, in the short time that has been allowed for this matter since I was requested to do that, 143 replies; and an analysis of these replies upon two or three general subjects has been made.

2592. Did you approach these gentlemen by circular letter?—By circular.

2593. Have you a copy of it?—I have a copy.

2594. Will you kindly read it?—It is dated 24th June, and is as follows: "My dear" So-and-so,—"I am asked to obtain expressions of opinion from my brethren on the Marriage (Attendance of Registrar) Bill, which is now being considered by a Committee of the House of Commons. The Bill does away with the attendance of the registrar at Nonconformist marriages, but leaves unaltered the existing optional system of marriage by a registrar at his office without any religious ceremony. Those who support the Bill emphasise the objection felt by a considerable number of Nonconformist ministers and laymen to the attendance of the registrar, and make it a serious grievance that the registrar does not also attend at marriages in Established churches. Personally, I take no offence in the attendance of a registrar at marriages at which I officiate; and as clergymen, whatever else they may be, are certainly State officers, I feel neither disparaged nor wronged by their discharge of a duty imposed upon them by the State. I believe the following statements, published by the Lancashire and Cheshire Registrars' Association, are correct: 'That the Nonconformist ministers do not wish to undertake the work of registration.' 'That they look upon registration as an important civil duty, and outside their province, which ought to be entirely under the charge of those who are specially trained and fitted for the work.' 'That the general desire of Nonconformist ministers is for one uniform system of registration for Established and non-established churches.' Complaint is made of the occasional neglect of registrars. I fear the complaint may be justly lodged against ministers of religion. Personally, during a ministry of 27 years, I have not known more than three cases of late attendance of the registrar, and not one of neglect. The following letter, written by the Rev. Thomas P. Dale, Wesleyan minister, of Bury, expresses the opinions of a large number of Nonconformist ministers: 'In regard to the question of the attendance of the registrar at Nonconformist marriages, it is my decided opinion that no system hitherto suggested is in any way to be preferred to the system in vogue at present. The attendance of the registrar secures the presence of a responsible official, in whose hands the legal interests of the marriage are perfectly safe. As a Nonconformist minister, I strongly object to become a servant of the State. The true solution of the question, in my opinion, will be found in a national system of registration, in which all marriages, whether at Nonconformist chapels

Chairman—continued.

Chairman—continued.

chapels or at Established churches, shall be conducted under the superintendence of a registrar. This would remove a grievance, under which we, as Nonconformists, at present labour, and would secure a perfect and thoroughly satisfactory registration of all marriages.' I enclose a stamped envelope, venturing to solicit your immediate reply." That is the letter.

2595. You have received 143 replies to that letter, I understand you to say?—I have.

2596. Are you in a position to give us a summary of them?—Yes. I may say that, personally, I did not undertake this, but that I have been assisted by others in analysing them; and the analysis is as follows: 77 ministers approve of the existing system, which secures the presence of a responsible civil official, in whose hands the legal interests of the community are safe (I quote as far as possible the words of the majority of these men); 107 ministers say that they object, as Nonconformist ministers, to become civil servants; they are in favour of a national system of registration, and desire the attendance of a registrar at all marriages, whether in Established or non-established churches.

Mr. *Perks.*

2597. Those 107 include most of the 77?—They do; but the 77 also include some of the others; they are very much alike; only specific points that are emphasised are put separately. Nine are in favour of the Bill brought in by Mr. Perks and other Members of Parliament; 11 desire a strictly civil marriage with optional religious service. (I may say that that number of 11 does not represent the number who desire this, but it is a correct extract from their letters; these are the only ones who mention it specifically); and four are in favour of the Scotch system. One minister besides, who is a Scotchman, is opposed to the Scotch system.

Chairman.

2598. Might I ask you if the four gentlemen are Scotchmen themselves, or have they any special knowledge of Scotland?—Yes, they are all Scotchmen. These are Scotch ministers, but one Scotch minister objects to the Scotch system; the other four ask that it shall be adopted. Very few of these writers complain of the conduct of registrars, though some of them do have special instances to mention. A large number express satisfaction with the promptitude, courtesy, and carefulness of the registrar.

Mr. *Perks.*

2599. Can you give us the number who express that satisfaction?—No; I cannot; a very large number.

2600. A dozen?—A hundred and more. They take it for granted almost, I might say. Shall I mention to you any special letters that I have received from individuals?

Chairman.

2601. Do you mean letters of complaint of the conduct of registrars?—No; I am speaking of other letters besides these, or at least of selections from these letters.

2602. I will put it in this form: apart from the replies of which you have given us an analysis, have you received any other communication which you, in a few words, wish to lay before the Committee?—I have received resolutions from the Nonconformist council in Accrington. I had the resolutions sent to me from this council, who took action on receiving my letter; or, at least, as several of the members of the council received my letter they called the council together in Accrington, and they passed resolutions, copies of which were sent to me and which I have here.

Chairman—continued.

2603. How many members are there of that council?—I do not know.

2604. Could you give us some rough idea of the number?—I do not know how many ministers represent the Nonconformist bodies in that council.

2605. Might I put it in this way: is the body such as would commend itself to your favourable consideration as an important body?—Yes, a most important body. I may say that the Rev. Charles Williams presided.

Mr. *Perks.*

2606. Will there be 20 Nonconformist ministers in Accrington?—I should think so in that council, probably, though they would not confine themselves to that town, but would be within a little radius from the centre.

2607. But the Nonconformist councils in the provincial towns do not, as a rule, embrace the Methodist bodies, do they?—I do not think they do.

2608. And exclusive of the Methodists of various sorts, the Wesleyan, Primitive, and Free, in Accrington would there be 20 ministers?—I do not know; I cannot say whether it would amount to 20.

2609. What religious denominations would be represented on the council?—I think all the Nonconformists, except the Wesleyan body. I think the only Nonconformists who are likely to be absent would be the Wesleyan bodies, and, of course, the Roman Catholics; we do not count them.

Mr. *Perks.*

2610. Does the council include Presbyterians?—I think so.

Chairman.

2611. You were going to give us what these gentlemen wrote or said; you were speaking of some resolutions?—I merely want to say this, that, as the gentleman empowered by this body to send me the resolutions informs me, the following resolutions were passed in reference to the attendance of registrars at Nonconformist marriages. "Resolved, first, that it is undesirable that Nonconformist ministers should undertake the work of registration. Second, that we look upon registration as an important civil duty and outside their province, which ought to be entirely under the charge of those who are specially trained and fitted for the work. Third, that we desire one uniform system of registration for Established and non-established churches. Fourth, that some method should be devised for dispensing with the presence of the registrar at the religious ceremony, consistent with the foregoing resolutions."

Chairman—continued.

2612. How would you accomplish that object?—The only suggestion which has been made to me is, that the registrar should not be present during the religious ceremony; that he might attend in the vestry of the church or chapel. I have not heard of any other solution.

2613. But when he is in the vestry, what is he to do; what are to be his functions?—Simply to see that the forms are properly filled up and signed.

2614. Is he to bear witness that the marriage has taken place?—I should think he is the proper person to bear witness, not the minister.

2615. According to your view he would not be present in the place of worship?—He would have to be present, certainly, to sign the forms.

2616. You would have him present at the ceremony itself; is that what you mean?—I do not ask that; I say the only suggestion made is that he should be in the vestry.

2617. I want to elicit your views?—I have no views upon the matter myself. It has not suggested itself to me; I do not care about it at all.

2618. Have you any further statement to make?—I do not desire to make any statement.

2619. Have you completed what you wished to say?—I am in your hands. I do not want to obtrude myself further than is necessary. I shall be glad to answer any questions, or to be allowed to say more if you wish it.

2620. Is there anything more you wish to say; we wish to hear you, having regard to the exigencies of time; you bear testimony to what a certain body say, and you have given your own views; what further evidence do you wish to submit?—I do not think I need say more, unless you wish to elicit anything by questions. I may say that I have a letter from the Rev. James Allatt, who writes making one or two suggestions.

2621. What denomination does he belong to?—He belongs to our denomination; it is a very interesting letter, and he makes suggestions.

2622. Will you give us the pith of it, please?—He first of all explains how for many years the only Nonconformist church for marriages was his own in the district in which he lives, and he proceeds: "When others were built, and in due time licensed, I made an arrangement with the registrar, that he would let me know whenever the hour appointed for a service of mine interfered with a previously-made engagement of his," so that he might prevent disappointments, and he says that it has worked very well. "I have had narrow escapes of disappointments myself, and I have known of disappointments to others, but nothing to warrant the abolition of the registrar, an event I should deplore as a great public loss; the extension of his duties to all churches alike, I regard as simply a question of time. The disappointments referred to would all have been avoided if the minister could have gone on with the service in the absence of the registrar, as the registrar has the power to do in the absence of the minister. A messenger could be sent to the registrar's office meanwhile, for some person to attend and register a marriage that had already been duly performed within the prescribed hours. I would have the registrar's

Chairman—continued.

office in telegraphic communication with the post office, to meet cases of emergency. We ought to be protected from the results of mistakes and forgetfulness; and also from wilful annoyance. Every failure in the matter of a Nonconformist marriage is made the most of by the curates, and notices are published in the press, and otherwise, inviting persons" (and this is a quotation) "'to go to their parish church, where they can be legally married.' I append a copy of an envelope addressed to me from a registrar's office in Ireland, and I have often thought that something similar could be usefully employed here. I would subscribe to the statement you quote from the Lancashire and Cheshire Registrars' Association, as being in my opinion correct." The letter is here. He also adds this: "I have long had an idea that it would be easy to arrange for the issue of a certificate by the registrar, with the names of the contracting parties and other particulars filled in as now, and the signature of two witnesses to whom they were known. The registrar to deliver them at a duly appointed place in connection with every building duly registered for the solemnisation of marriages, and afterwards collected by him within a specified number of days. Such a certificate would be the sufficient warrant for the marriage service; the person taking it signing the certificate, and thus making it ready to return to the counterfoil in the registrar's possession. This suggestion has come as a result of a rather large experience of burial certificates. The schemes hitherto proposed as remedies have been of too complicated a nature, when not otherwise objectionable."

Mr. *Perks.*

2623. What is the date of that letter?—The 29th of June 1893; all the correspondence is within a fortnight.

Mr. *Oldroyd.*

2624. Referring to the letter which you have just read, is not the proposal of that letter consistent with the present practice, that the registrar witnesses the ceremony, the signatures, and then posts these, or sees that they are posted, into the official book, which he carries with him?—I understand this letter to mean that he would not be necessarily there at all; that this would contemplate the completion of the civil service, and then his sending a letter to the minister.

2625. May I ask, first of all, do you approve of that suggestion?—No, I do not. I have only one simple solution, which is a final one, of course.

2626. If that suggestion were carried out, would it not, as a matter of fact, mean that the registrar would not himself be personally present at the ceremony?—I understand that; Mr. Allatt's letter impresses me so.

2627. And, therefore, any certification that he gave of that ceremony would have to be at second hand?—Yes, I think it would.

2628. Do you see anything in the method suggested in that letter not applicable to Nonconformist ministers of your own body (speaking of your own body particularly) for carrying out

the

Mr. *Oldroyd*—continued.

the witnessing of the signatures as proposed to be done by the registrar?—I do not quite follow your question.

2629. Do not you think it would be just as easy for the minister who officiated at the ceremony to see to the signatures as for the registrar himself?—Quite as easy.

2630. And would it not be easy for him and compatible with his duties too, after those signatures were posted in the official book kept on the premises for the purpose, to send copies of them at stated intervals to the official registrar?—It would be easy.

2631. Referring for one moment to the quotation (you said it was a quotation) in that letter as to the statements of curates in the country frequently——?—He did not say "frequently;" he said that they did it.

2632. I will put it in this way: referring to the action of the curates in requesting their people to come to the church where they could legally be married?—I quite believe it.

2633. Have you come across anything like that?—In my own neighbourhood, now, curates do go up and down, informing their parishioners that they can only be properly married at the churches.

2634. In your pastoral visitation you hear of it?—Yes, or with reference to any other ceremony; baptism, for instance, as well as marriage.

2635. There is an attempt on the part of these curates to minimise the value of your offices as a Nonconformist minister?—Quite so. I would not myself limit the statement to curates; I believe vicars and higher officers in the Church do it.

2636. The clergy generally do minimise the value of your office and exalt their own?—I believe that is done.

2637. Could you give us any idea as to the result of this sort of conversation and talk; have you come across many people who have been affected in their judgment on this question by those statements?—I live in a neighbourhood where I think the feeling has been created by this sort of thing that the value of our services is not so good. In the part of Manchester in which I live (I have been their 13 years) it results in this: that at times I cannot officiate in the burial of my own people, and they do not marry with me; they go to the Church of England instead; that I know as a fact, and could give instances if it were necessary.

2638. You have given evidence this morning as to the opinion obtaining in the Council of Congregational ministers in Lancashire?—Yes.

2639. Assembled at Accrington?—I have received their resolutions. Accrington is in north-east Lancashire, and they have a council there, a local council; and these are the resolutions passed by the local council; but, mark you, not all Congregationalists; the Nonconformist ministers of the district.

2640. The general tenour of the statements made by you this morning is this, is it not, that the opinion of these ministers generally is against the presence of the registrar at the marriage ceremony?—No, I think not.

2641. I will put it in the other way: is it in favour of his presence?—The opinion which I

Mr. *Oldroyd*—continued.

gather; the opinion which impresses me from all my brethren is this: that the present system as we have it is enough for the present; they do not wish to alter it unless we can have a more thorough and complete and final change. Those are the views of the great majority of them as expressed in conversation and discussion. I may say that four years ago, in 1889, we had an important meeting in Manchester, and we have hardly considered the subject together since then. I have referred to the report of the "Manchester Guardian" of the meeting in which I took a part, and I find that the desire as there expressed in the main is that the civil part of the ceremony shall be completed by the registrar, and that the minister shall not be burdened with the duties of registrarship at all.

2642. I will ask you as to the limitation you put upon the official operations of the registrar; I will come to the minister by-and-bye; are we to take it from you that the general opinion of the ministers of your body in your neighbourhood in Lancashire is that they wish to confine the duties of registrars to registration only, and to keep him apart from the religious ceremony, and put him in the vestry?—That was a suggestion from somebody else. The Chairman asked me just now what solution there was. I said the only solution with regard to the matter (it was in regard to a certain suggestion) was this, that the registrar should be in the vestry, and that he should not be present at the ceremony. But I have not heard that suggestion made to any large extent; it is simply an exceptional suggestion.

2643. Would you tell me what your suggestion is for yourself?—My idea is that there should be no legislation till the question is better understood in the country by the whole of the Nonconformist body, and a consensus of opinion obtained. Now this is a thing which is revived with us; many of them have written to me expressing a strong feeling that we ought to have had longer time to consider it and meet together.

2644. I would suggest to you that this Committee is sitting for the purpose of bringing together information on this very subject, and we are anxious to receive an expression of opinion from your body?—And I am anxious to give you all the information that I can.

2645. Do you think that there is a general opinion amongst ministers in your denomination that they would object to become what you call civil servants?—I think so.

2646. By taking the responsibility of registration?—I think so, I am convinced of it; there are one or two gentlemen eminent in our body who have no such feeling; they are quite willing to undertake it.

2647. "One or two" you say, have no such feeling?—I gave you the number of those who are in favour of the Bill; but I am confining myself to Lancashire entirely. I have a colleague in the union who is secretary, and he is an influential man, and he has no objection to it; he would take the duties upon him. The impression is, if I may state it, that we are put at a disability in not being able to sign these papers; that we are not on an equality with the clergy.

 2648. But

Mr. *Oldroyd*—continued.

2648. But you would object, and you think there is a prevalent opinion amongst your body that they would object, to undertake the responsibilities of registration?—They would prefer not.

2649. Do they consider them incompatible with their calling?—They think that to undertake the duties of a registrar or a civil servant in any shape is incompatible with their calling.

Mr. *Carvell Williams.*

2650. The replies which you state that you have received are replies to an *ex parte* statement, a statement of an avowed opponent of change in the law; that I presume you would admit?—Well, I did not say so; I have intimated my own opinion, and the opinion of those with whom I conferred before issuing the circular.

2651. But you have put in a letter which expresses an adverse opinion to the suggested change of the law?—Quite so.

2652. The Accrington resolution, if I understand it aright, is in favour of some change of the law which would allow the attendance of registrars at Nonconformist marriages to be dispensed with?—Yes, I think it was. I may say, that I had a letter from an eminent minister of the Baptist Body to ask if the matter could be settled in this way, to prevent the attendance of the registrar, and also to prevent ministers becoming registrars and having anything to do with signing papers.

2653. But the Accrington ministers, or council, apparently differ from the majority of those to whom you have applied?—Probably; that had not struck me; I merely brought it for information; I did not draw any conclusion from it.

2654. When you say that the ministers in Lancashire of the Congregational Body do not wish to act as registrars, I assume that you are referring only to that part of the duty of the registrar which relates to the attendance at the marriage, and that you do not refer to the act of registration after marriage?—I think it refers to this; that it is supposed, it is believed, that by the Bill which is being considered, ministers would have to become registrars, if called upon; that they would have to take the part of seeing the forms filled up and signing them.

2655. But are you not aware that Mr. Perks's Bill, to put it shortly, provides that the registration shall be conducted by the registrar as at present, only in his own office, instead of at the place of worship?—Yes, that is what I said in my note.

2656. And the objection therefore, is not directed to any change in that respect?—No, I think not, I think they would wish the registrar to go on and complete it.

2657. So that the objection of Nonconformist ministers to acting as registrars relates solely to that part of the registrar's duty which is involved in his attendance at the marriage?—I do not quite understand you.

2658. You have told us that the Congregational ministers of Lancashire do not wish to act as registrars?—That is what they say.

2659. Are you not aware that no one wishes them to act as registrars, so far as the registration of a marriage is concerned?—Yes, I believe that is so.

Mr. *Carvell Williams*—continued.

2660. You yourself, and also letters to which you have referred, have spoken of Nonconformist ministers as becoming State officers and civil officers, if the attendance of the registrar is dispensed with?—Quite so.

2661. Pray do you consider that a Nonconformist minister is a State officer now, when he officiates at a marriage?—I think, to a certain extent, he does become one if he signs the papers.

2662. But, at the present moment, you think that all Nonconformist ministers who marry in places of worship are State officers?—Yes, to an extent; by asking them to sign the register you make them discharge a civil duty; to that extent they are civil officers.

2663. And, therefore, the gentlemen who have written these letters, and object to being State officers, are, in your opinion, State officers now?—To that extent, I think, we all are; voluntarily or involuntarily we have to do a civil duty.

2664. In what respect are they State officers; what office do they hold?—They fulfil a condition required of them by the State, which is that they shall sign these forms; that they shall witness this marriage; and most of them, I believe, receive a fee for it.

2665. But are all persons who comply with the requirements of the State necessarily State officers?—No, by no means: but all who comply with the requirements of a State-appointed duty are so.

2666. Does a jurymen, when he enters the box, become a State official?—No.

2667. Or does a witness who attests the execution of a lease or a will, or any other document, become a State official?—No; he does these things voluntarily; he may or may not do them; but here is a matter in which the State enforces it upon us; we have no option.

2668. If you choose to undertake the duty; but the discharge of the duty is perfectly optional, is it not?—No, I am obliged to perform the marriage ceremony.

2669. A Nonconformist minister may refuse, may he not, to conduct a marriage ceremony?—The impression is that he may not.

2670. You do not share that impression, do you?—I rather think I do.

2671. That a Nonconformist minister can be compelled to conduct a marriage service contrary to his will; have you ever heard of compulsion of that sort being used?—I have never heard of any case in which there was any refusal, unless there may have been some special facts to justify it; it has never come within the range of my knowledge; I can give no answer to that, except that I never heard of it; and I believe that I must do this: the conditions being fulfilled, and the marriage coming to my place, and my attendance being required, I think I am required to attend.

2672. At present a minister has to certify that he has performed the marriage service?—Quite so.

2673. And you think that constitutes him a State official?—To that extent I think so.

2674. And

Mr. *Carvell Williams*—continued.

2674. And if, in addition to that, he is required, when the service is concluded, to post a certificate to the registrar, that would make him still more so, you think?—I think it would to that extent.

2675. You said that there should be one uniform system; did I understand you and your correspondents to say that that uniform system should be the attendance of the registrar at all places of worship; including those of the Established Church?—I do not share that opinion, but I think it is the opinion of a vast majority of my correspondents; I should think 90 out of 100 would have that opinion.

2676. Then you would not obtain equality of treatment by that method?—There is no proposal for equality of treatment before the Committee in Mr. Perks' Bill, or any Bill.

2677. Do you consider that there is equality of treatment now?—I think the vast majority of these friends who have written think there is not equality.

2678. And you do not think there is ground for that opinion?—I do not think there is; I think it is an unwise opinion, it is not based upon the principles which as Nonconformists we hold.

2679. Are you aware that it is much more difficult in many cases to contract a marriage at a Nonconformist place of worship, than it is in a church belonging to the Establishment?—I think it is more difficult.

2680. And that is the result of existing legal arrangements?—I believe so.

2681. And that brings about a state of inequality?—Yes, the system is unequal; I believe that.

2682. And you do not consider the inequality objectionable?—Not personally; I do not wish to confound the inequality of the system with the personal inequality of the officiating minister. The idea which I understand many of our brethren hold is this; that they are to some extent lowered in status by not being allowed to do as the Church of England minister does; that is, to actually receive notice. The Church of England minister absorbs in himself the whole of the duties of the superintendent registrar and the district registrar; that is to say, he can receive the notice as a superintendent registrar does; then he can act as the district registrar does, he can be the only witness of the ceremony.

2683. Supposing that there are a number of Nonconformists who would wish to dispense with the attendance of the registrar, do you think that those who desire his attendance ought to put obstacles in the way of change, seeing that the proposed method is an optional method?—Well, I think many of us consider that one of the unwise things of the Bill is its optional character.

2684. You admit, I think, that some fresh legislation is needed, but you are of opinion that we are not yet ripe for it?—I believe that.

Mr. *Perks.*

2685. As to the optional character, we have had evidence, which probably you have not read, that when the Irish Protestant Churches secured the right of conducting their marriages without the presence of the registrar, power was reserved

Mr. *Perks*—continued.

to exclude that right in the case of some what might be called unathorised churches, or churches without any definite religious government?—Quite so.

2686. That is what you mean, I think?—I suppose no marriage can be performed except in a registered building.

2687. You said that you were asked to obtain evidence; in that letter which you read, I noticed that you said, that you had been asked to obtain this evidence; who asked you to do it?—I may say first of all that we knew the matter was coming up. I am on one or two committees of Nonconformists, and without any pre-arrangement conversation occurred.

2688. When you said you were asked, whom did you refer to asking you?—First of all a number of my brethren suggested to me that as having been officially connected with our union for a long time and the editor of the Year Book, I should get their opinions. Mr. Picton had then requested me to furnish him with the information after I had obtained it, and I believe that is how I was invited to attend here to-day.

2689. Were you invited by the registrars to give them information?—No, I was not.

2690. We were told by some of the registrars that they invited a number of ministers to answer certain questions; I did not know whether you referred to that?—No.

2691. You said you had acted in the ministry for 27 years?—I did.

2692. That has been chiefly in towns, I presume?—Yes. I have only been in two pastorates; one in Darwen in North East Lancashire.

2693. What is the other town?—Manchester.

2694. And your personal experience, so far as your pastorate is concerned is limited to Darwen and Manchester?—Yes.

2695. You have had no experience of rural districts?—In Darwen I was in the heart of a rural district, where there are old time Five Mile Act Churches, as well as in a manufacturing district, and I was cognisant of what took place.

2696. Now I cannot quite understand your sweeping remarks about the views of your own particular religious community; have you noticed that the names of Mr. Henry Richard, Mr. Illingworth, Mr. Oldroyd, and Mr. Spicer (they are all, I think, Congregationalists or Baptists, connected with those churches), are on the back of the Bill; you are aware of that, I daresay?—I was not aware of it.

2697. Did you read the evidence presented to us by the Dissenting Deputies?—I saw the evidence, at any rate I saw a short newspaper report of it.

2698. Were you aware that in the Committee the evidence presented to us was adopted by 18 votes against 2?—I knew it was adopted; by what majority I now know for the first time.

2699. Now the Liberation Society may be considered to be perhaps as strongly in favour of civil religious equality as any association in the country?—Yes.

2700. Are you aware that there was only one dissentient on that committee?—I hear for the first time that that committee gave any deliver-

Mr. *Perks*—continued.

ance of the kind. I am also connected with the Liberation Society, and with its operations in Manchester, but I may say that four years ago we passed a resolution directly contrary to that; and speaking of the feelings of those who are members and supporters of the Liberation Society, I can say that they held a different view.

2701. I am speaking of the central association. Now you said, I think, that you were waiting for some great change to take place. That great change which you referred to, and which you think we should all wait for, I suppose, is the disestablishment of the Church of England?—I think that is the proper settlement of it; but if you limit it to the question of the marriage ceremony and the attendance of the Registrar, I think the great change we are waiting for is the completion of the ceremony as a civil ceremony, and making the religious ceremony optional.

2702. Then you hope, at all events, that before the great change which you talk about, meaning by that the disestablishment of the church, there will come a sort of preliminary source of relief whereby the Registrar is imported into the churches of England?—No, that is not my personal opinion; but that is the opinion of the great majority of my correspondents.

2703. Your opinion then is that we should wait for the great change?—Yes, my opinion is that we should wait for the change.

2704. I must congratulate you upon the clearness of your opinion, and it is very intelligible, if you will permit me to say so. Therefore the Nonconformist bodies are, according to your view, to submit to this grievance until that great change comes?—I am afraid that I shall not agree with you as regards the "grievance."

2705. No, I quite admit that?—I do not feel any grievance personally that I cannot do as a Church of England minister does.

2706. You are very happy and contented, I know. I have before me the Return which is known as Mr. Henry Fowler's Return of 1882 of places of worship in this country. You are an Independent, I think you said?—Yes.

2707. I see that there are 2,603 Independent chapels registered for worship in the Return. I suppose during the last 11 years that would be somewhat increased, naturally so?—Naturally so. I cannot say how much, but we do increase a little.

2708. Now, I see that the Wesleyan Methodist chapels registered for worship, and those of the Primitive Methodists and the other Methodist bodies, number 13,260; and I may say that we have had evidence from all those Methodist bodies absolutely unanimously in favour of the exclusion of the Registrar. Now, why do you object to all those bodies getting rid of what they consider a grievance; why are they to wait for this great change?—I do not think they need wait any longer. I hold this, that the public opinion should be educated; and when they get public opinion in their favour they will no doubt get what they want. I should be sorry if they do wait; I should regret it exceedingly.

2709. Under this Bill you can still, as an Independent, have the Registrar at your church; why do you wish to refuse these other bodies the relief that they urgently seek?—I do not particularly wish to refuse it to them.

2710. Are you content that they should have the relief?—As a matter of State legislation, I should go against their having the relief.

2711. That is to say, you would impose this grievance, and cost, and annoyance?—I beg pardon.

2712. They think it so; you do not. You would impose it upon them?—You would expect me to act in accordance with my convictions, I suppose?

2713. Yes; and you have that option already under the Bill. But I want you to explain to me why you should refuse to all these bodies this relief which they urgently ask, when you, yourself, can get exactly what you desire under the operation of this Bill?—I do not get what I desire.

2714. The *status quo*, I mean; the existing state of things?—I am not satisfied with the *status quo*; but I do not think there is any advantage in changing the *status quo* by a Bill such as you have before you.

2715. May I put it that you wish to perpetuate this grievance in order to use it as a handle for disestablishing the Church of England?—No, not at all; I have not thought of that.

2716. We are all to wait for this great change and endure the grievance?—I hold principles which I will not violate knowingly; and in seeking for this change, I should violate what I hold to be principles; therefore, I will not seek for it; and I believe, that a great many men in my county hold that view.

2717. We have had evidence from Ireland, that one of the reasons of the inaccuracy of Irish registers in connection with the Roman Catholic church is, that the Roman Catholic priests objected to sign the form, and they left it to the contracting parties. As you know, the registers are signed in the Roman Catholic churches, and a book is kept, but that is signed by the husband, and the priests will not sign it?—I do not know anything about the Irish system; I know what the Roman Catholics do in England.

Mr. *Jordan*.

2718. Do I rightly understand you to say, that you do not speak on behalf of the Congregational Union?—No, I do not.

2719. Do I understand you further to say, that you want time to consider the question before any legislation should take place; do you, and those you represent wish time?—I think before any legislation passes, that the whole question should be discussed more freely and publicly.

2720. By that, do you mean to convey that we should stop our investigation?—I think so; you had better educate the people.

2721. How would you educate the people?—By having the matter discussed.

2722. Then the investigation should not cease?—I think in regard to investigations which lead to immediate legislation, it would be better if you carried with you the intelligence and the consent of the great bodies of persons in the country.

2723. Then

Mr. *Jordan*—continued.

2723. Then the intelligence of the great body of Nonconformists in the country are against this measure?—I would not venture to say that; but I think it is better in an important body like my own, where I learn from correspondence that they are not quite *au fait*, and not quite alive to the subject just now, that they should have it considered and discussed; and probably that would represent the feeling of other districts in the country.

2724. Would it strike you that before any legislation could obtain in reference to this matter, we should have sufficient time; one or two years?—It would not require a very long time.

2725. How long?—It would depend upon the action taken. If there were influential persons taking part in it, a few of us could very soon rouse Lancashire to consider the matter; and a few in every county could rouse their friends to consider it in view of legislation. My impression is, that this Bill has not been sufficiently considered by Congregationalists; I will not go further than that.

2726. How long would it take, a year to do it?—I should think not.

2727. Does it not strike you that we would not have legislation upon this Bill for a year, probably longer?—I do not know.

2728. Do you admit or do you not, that the large body of Nonconformists have grievances in relation to the marriage laws?—Well, for myself I say no; I do not count it as a grievance; I am indifferent to it. In that matter I hold a very different view; I hold a principle which saves me from putting it as a grievance.

2729. I did not ask you that; I asked you in reference to the large majority of the Nonconformist bodies; do you think that they have a grievance in relation to charges and in relation to publication at unions, and in relation to other irregularities, as compared to the Church of England?—I really do not know how to answer you; I have not looked at it in the light of a grievance.

2730. If the Nonconformist have to pay 3*l.*, and the Church of England have to pay nothing at all, would that be a grievance?—I think that is an inequality that should be righted.

2731. And if the Nonconformists have to put up the names of the young lady and young gentleman at the union workhouse, and in the Church of England they have not to do that, do you think that a grievance?—I would have a uniform system.

2732. Do you think it a grievance?—I think it a grievance.

2733. Then if these charges and publication at the unions are grievances, will you then, as Mr. Perks has put it, refuse to remedy this grievance in the interest of a large body of Nonconformists, because you have a peculiar view which you call a principle?—No; I have no objection to this grievance being put right.

2734. I understand you to say that you object, or that your people object, to be civil servants of the State in relation to registration?—We do.

2735. I have not been able to catch your definition of what a civil servant under such circumstances is?—I think a man becomes a civil servant, who performs a civil duty under State regulations, and according to State forms, and (I suppose it is so, though I do not take any fees myself) by the reception of a fee.

2736. Do other Nonconformist ministers not take fees?—I think a good many do; most do.

2737. If they are partial civil servants, or civil servants up to a certain point, and take fees also, then how do you consider that it would be incompatible with their ministerial duties, or your ministerial duties, to go further and sign the registration certificate?—I think they would rather not do it.

2738. Of course every man wishes to do the least he possibly can, probably, but how would it be incompatible with his duties as a minister, having gone 8 points out of 10, how would it be incompatible with his duty as a minister to go the other two points, and sign the registration certificate?—He will do as little that is wrong, as he can help.

2739. Then what he has done is wrong?—I would not say "wrong," but a mistake; it is an unwise registration.

2740. It is a mistake for the Nonconformist minister to do anything, in your opinion?—It is a mistake for him to take any part whatever in the performance of civil duty; it is a matter which should be in the hands of the registrar entirely, and the State should complete it, and the religious ceremony should be optional with the parties.

2741. Have you ever performed a marriage?—I have.

2742. Have you done certain things which you now designate a mistake?—I think it is a mistake for me to do it, but that is a mistake in the system, and as long as I have to do it, I will try to agitate for a better.

2743. You do a thing which you think a mistake, and you will not permit other people to be relieved of grievances, because you adhere to something you call a principle?—It is a principle acted upon by the Nonconformist bodies; the separation of all civil from religious functions is a Nonconformist principle I hold, and therefore I go for it; I live in a condition of things which in various other ways is not what I like, but I cannot modify it.

2744. Do you think that the performance and the registration of a marriage is really a civil function and in the interest of the State?—The State makes this as a civil contract, it is already a civil business; it is not the minister who makes it, or wishes it to be so; the State makes it such.

2745. I have not conveyed my meaning clearly enough. Do you consider that the performance of the marriage ceremony is a civil service in the interest of the State, or that it is more in the interests of your people, than in the interests of the State?—I do not know how to answer that. I am sure the State regards marriage as a civil matter; therefore I say let the State complete it, and let any religious services afterwards be according to the want and wish of those interested.

2746. Do you think that two services would be desirable, a civil one and a religious one?—Yes, I think so, if you call it a "service;" but I

Mr. *Jordan*—continued.

say that the marriage should be completed by the State.

2747. Do you think it would be convenient to have two services for those who want to get married?—There are two arrangements now.

2748. Two arrangements, with two services?—You call them "services;" I should call the religious function the service, and I should call the other a civil function, which they would perform in an office according to State rules.

2749. You would have two services, a civil function and a religious service, would you not say that that was an inequality as compared with the Church of England?—I say that when that comes, then the Church of England will have to adopt it; I take it that it will be for all bodies.

2750. But you have not answered me whether you think that the service of marriage of the people of your congregation is more in the interests of the people of your congregation, or in the interests of the State?—I think the marriage itself is a State function now. It is a matter which the State takes cognisance of, and ought to take cognisance of entirely. If the parties want a religious service let them say so, and come to their minister, but it should be optional with them whether they do it or not, on the high ground that religion is desecrated if you force it directly or indirectly upon people.

2751. You do not seem willing to answer the question, whether it is more in the interest of the people themselves, or in the interests of the State that the marriage service is performed?—It is not in the interest of one more than the other. The State takes knowledge of it, the State takes cognisance of it, because of material and legal matters which the State alone can control. There are substantial material interests in this matter which the State alone can concern itself with; therefore it makes it a civil function; I believe that is the fact.

2752. What do you understand by a uniform national registration, and how do you propose to carry it into effect?—Supposing that I cannot get what I want, that is the complete separation of the civil from the religious function; then I would have the registrar go to all the churches. I think that is, perhaps, as reasonable a thing as can be done. For myself, I am not, in my opinion, disparaged by not being able to do what the clergyman does. If I may quote a very high authority in regard to this matter (and this may be a key to my answers). Many years ago the present Lord Chief Justice defining the establishment of religion, used these very words: "Whatever else an establishment may be, it is certainly a political institution." I say, on the same principle, that whatever else a Church of England clergyman may be, he is certainly a State officer. I am not, and I will not be, if I can help; and therefore it will be no elevation to me, but only the reverse, if I were put upon his level.

2753. Do you prefer to put the registrar into the Church of England at all times?—I do not know how I can answer you more fully. If I cannot get what I want, a complete separation of the two, then let the registrar go to all marriages indiscriminately.

2754. Do you think that would be submitted to by the Church of England?—I do not think it would.

Mr. *Jordan*—continued.

2755. And therefore you propose a thing as an alternative, which you think would not be submitted to, and cannot be carried out?—I submit, that as disestablishment for which I live and work is to be regarded as an impracticable thing at present, so in regard to this matter I have to wait until the conscience and the intelligence of the people accept it; but it is not impracticable, and it is not undesirable; it is simply a thing in progress; it is no more impracticable than a ripe apple is impracticable from a green crab.

2756. You say that you would prefer that the registrar should go to the Church of England instead of being excluded from the Nonconformist marriages?—I think it is very reasonable, as most of my corresponcents consider, that he should go to all places alike, if we cannot have this separation.

2757. Though you believe that we cannot obtain it?—We can obtain it by degrees.

2758. Then all Nonconformists are to wait until this comes to pass?—Yes.

2759. Do not you think that the simplest form of registration is the best?—I think that the simplest form of registration is the best.

2760. Would not the registration of marriage by the celebrating Nonconformist minister be the most simple?—No; no more simple than the registration by the registrar.

2761. But, assuming that you want to get rid of the registrar, would not that be the most simple form?—It would, if you put him in the place of the registrar; but, mark you, there is no proposal, if I may say it, in this Bill, to put the Nonconformist minister on an equality with the Church of England clergyman.

2762. We might add that as well, as we are considering the whole question, not the Bill. Now, I will ask you one other question; is the presence of the registrar at Nonconformist marriages made a ground by the curates and vicars, as you said, of stamping the Nonconformist minister and services as inferior to the Church of England?—No, I do not think that; I think it is inherent in an Establishment; it is inherent in a preferred body to assume its superiority, and I think it is rather upon that broader principle; but I think very likely the other is a secondary reason; it is one of the reasons why the clergy, I think, endeavour to impress people with the superiority of their own system.

2763. Do they use it as an argument for your inferiority and their superiority?—I cannot personally speak to that; I know it is done; I know it for reasons which are pretty plain to everybody who is as much in touch with the people as I am; they know that we are constantly being disparaged.

2764. You prefer to remain in servitude at present?—Unless we can have a complete change; that is my opinion.

Chairman.

2765. I find that in the United States and in some of the Colonies the minister, or the person who celebrated the marriage, is bound by the law

Chairman—continued.

law to send a certificate of the marriage to some State official; should you object to that system?—I do not understand the system from the beginning.

2766. I will explain the system?—Supposing a person wants to be married in the United States of America or the Colonies, what does he do, if I may venture to ask you; what is the instruction for him?

Chairman—continued.

2767. That is too long a story to go into just now; but my point is this: the minister of religion celebrates the marriage on receiving the proper document from a State official, and then he sends to another State official, or possibly the same State official, a certificate of the marriage; should you object to that system?—I should object to the system by which the minister becomes a civil servant.

The Rev. JAMES GUINNESS ROGERS, called in; and Examined.

Chairman.

2768. OF what place and of what denomination are you?—Of Clapham; a Congregationalist.

2769. Do you attend from your own well-known position, or do you attend having received any definite and special authority?—I attend at the request of the General Purposes Committee of the Congregational Union, and since that appointment was made we have had a meeting of the general committee, including men from all parts of England, and I had an informal conference with them as to their views; and, therefore, though I have no right to say that I officially represent all Congregational views, yet I am entitled to say that I have had a conference with representative men from almost all parts of the country.

2770. Is the general purposes committee a large body?—It is a committee of about a dozen.

2771. But is it representative of your denomination?—It is a sub-committee of the general commitee.

2772. Does that general cover the whole country?—Yes; it covers the whole country.

2773. Then it may be taken as a committee of high authority?—It is a committee of about 72, chosen from all parts of the country, and representing our churches in every part of the country.

2774. You represent both the general committee and the general purposes committee?—The general purposes committee is only a sub-committee of the general committee.

2775. Will you kindly lay before us your views?—I should say in relation to the question of grievance that I did not know till to-day that there was a second opinion; I can only say this, that one of the most valuable ministers in our Church said, at the committee last Tuesday, "If I was to go to my own people and to suggest that we should acquiesce I should be out-voted in my own church," although I do not think there is a man who has more influence in his church.

Mr. *Perks.*

2776. Acquiesce in what?—In the present system.

Chairman.

2777. How would you describe the grievance?—You will allow me to describe it, perhaps, from my own standpoint. I am like Mr. MacDougall; I have no grievance at all in one sense. I have been nearly 50 years in the ministry; I was first at Newcastle-on-Tyne, then at Ashton-under-Lyne, in Lancashire, and for 28 years I have been in London, at Clapham. I have never had a difficulty in those 47½ years; and, therefore, personally, I have no difficulty about registrars. Registrars have been civil, accommodating, and punctual. I have not a word to say in the way of any personal complaint; and yet I have a grievance. I know perfectly that there are members of my own church who would not be married at the chapel. If they had a funeral in the family, I should certainly be called in; but, if they had a marriage, it is doubtful whether I should or whether I should not. Why is it that they make a differrence; simply because the presence of the registrar is obnoxious to them; and my own belief is that to a large number of our laity the attendance of the registrar is more objectionable than it is to us. It is not objectionable to me, certainly. Then, if I pass from my own experience to what I know, I should say that the difference between these gentlemen whom Mr. MacDougall represents and myself (though, as I will show presently, I do not think the difference is as great as might at first appear) is simply this: the point was one which was touched by Mr. Perks in one of his questions; Mr. MacDougall has been, as I have been, in thickly-populated districts, where difficulty does not occur in connection with the registrar; but, as it was put to me by a gentleman down in Norfolk last week, what would any working man do if, in the first place, he had to lose half-a-day in order to go and give notice, and then another half-day in order to go and get his certificate; and if, when the whole had been done, it was quite possible that the registrar might forget or might be behind time. That was a point put to me in the concrete last week; and the gentleman said to me, "I know such cases." It is those who are living in the scattered rural districts who feel the difficulty most. The districts are large, modes of access are not easy, and consequently very great hindrance and impediment is thrown in the way of our people if they want to be married in their own chapels. That seems to me to be one of the grievances. There is a sentimental grievance beyond that, which is really a very strong one; many feel it very keenly. They say their minister does not marry them, and they do not want to see a registrar in the church who really is supposed to be, and who is essential to, the service. That is a sentimental grievance, it may be, but it is a sentimental grievance which practically prevents a number of our people from coming to

Chairman—continued.

our places of worship to be married. A point on which Mr. MacDougall has laid great stress is that our ministers do not wish to be registrars. I do not see that they are in connection with this Bill. I am bound to say that I think in that opinion he is fully justified; I do not think our ministers do wish to be registrars; I certainly do not wish them to be registrars; and I do not wish to be a registrar myself. I do not take any objection on the ground of principle; but I am sorry to say that I do not think that men who are accustomed to live in their studies very much would be as careful in the preservation of a register as we should desire. It seems to me that registration is a pure civil function, and it ought to be discharged by a civil officer.

Mr. *Carvell Williams.*

2778. You are speaking solely of registration?—I am speaking of registration.

2779. After the marriage?—Yes; after the marriage. I am bound to say that I do not see that that objection applies to the proposal which is made in Mr. Perks' Bill. The ideal system would seem to me to be naturally that the registrar should be present at all marriages. It seems to me that that would be the most rational plan. As it is I quite admit that it is unattainable at present. And I will further say, for myself and for a number of others, that while we think it the ideal we should not desire to urge it, because it might seem as though we wished to be offensive to the clergy of the Church of England, who do not like it, and who are content to continue the present system. We have no wish to urge it in any sectarian spirit. We think first, that it is of infinite importance that the registration should be secured, and we would sacrifice a great deal rather than imperil the certainty of the registration. And we think, in the second place, that there should be perfect equality in these matters, and therefore, that the registrar should attend at the one place as well as the other. But that is an ideal which I do not think we are likely to reach at present. In the meantime I think we are quite entitled to seek a relief from existing grievances. The grievance is, as I said, sentimental. It arises also from the extent of the districts in many cases. It arises further from the fact that the charges made by the registrar for the marriage of a working man in a dissenting chapel although the minister charges no fee at all, are more expensive than the marriage at the Church of England. I do not think I have anything more to say.

Chairman.

2780. You have favoured us with your "ideal" system, to borrow your own excellent language; might I ask if you have any practical remedy which you desire to submit to us?—I do not see, if we are going to have a remedy, one at present that is open to fewer objections than that which is proposed in Mr. Perks' Bill.

2781. Have you anything more to say in your examination in chief?—Nothing more.

Mr. *Jordan.*

2782. You say that you represent the Congregational Union?—In the informal way which I have indicated.

Mr. *Jordan*—continued.

2783. That includes all England?—Yes; and Wales.

2784. And it also includes Lancashire?—Yes.

2785. And Accrington?—Yes.

2786. Then you do admit that the Nonconformist ministers have grievances?—I think so; yes.

2787. You have intimated that those grievances have reference to charges?—The grievances of the ministers have not reference to charges, but of the people rather than the ministers.

2788. Taking them together, as far as the people are concerned, the people have grievances in relation to charges?—Yes.

2789. In relation to the difficulty of accomplishing the marriage by reason of the distance of the Registrar?—That applies to large rural districts principally.

2790. And the principal grievance is in the presence of the Registrar at the marriages being objectionable, not to the minister, but to the laity?—To both.

2791. As much to the laity as to the ministers?—Yes; I think so; to the more educated laity.

2792. You said, I think, that your ministers did not wish to be registrars; now, if the law imposed it upon them, would they acquiesce?—Well, we are an extremely loyal body; and it would be very hard to state the limits to our obedience.

2793. If the majority of the Nonconformist ministers, such as the Wesleyans, were satisfied to become registrars, would you, as part of the Nonconformists of England, fall in with that arrangement?—I, personally, do you mean, or our ministers?

2794. You, personally?—Personally, I should regret it, and fall in with it; but I think there would be a great division of opinion amongst our own people.

2795. And would they fall in with it?—I think a number of them would not.

2796. Would not Mr. Perks' Bill meet that difficulty, seeing that under his Bill they might have the Registrar if they chose?—I think Mr. Perks' Bill would meet it.

Mr. *Perks.*

2797. We have had some difficulty in discovering why ministers who object to discharge what they think a civil function by entering a marriage in a book, and think that they would thereby become civil servants, do not acquire the same character when they avail themselves of the Burial Act for burying in the public churchyards; are you able to explain that?—Seeing that we all have to sign a certificate at present, I do not understand the objection myself.

2798. I do not understand it; I wondered whether you did. You have pointed out to us clearly that this is more largely a rural grievance than a town grievance; it is more largely felt in the rural districts?—It is more deeply felt there, at all events.

2799. We had some very striking figures given us by the chief clerk to the Registrar General which I want for a few minutes to call your attention to. In 1891 out of every 1,000 marriages 699 were solemnized in the Church of Engl[illegible]

Mr. *Perks*—continued.

and (excluding the Roman Catholic marriages, which were a very small number, viz., 42) only 118 in the chapels of all the Nonconformist bodies; 118 against 699 out of 1,000. In your judgment that great difference of figures is accounted for by the antipathy which the laity of these Nonconformist churches have to the presence of the registrar?—I think it is accounted for partly by the antipathy, partly by the practical difficulties in many districts.

2800. And partly by the cost?—Partly by the cost. I think we must make great allowance, too, for the influence of centuries of habit.

2801. The figures produced to us show that there has been an increasing percentage of people married in the Nonconformist chapels, although the percentage at present is totally at variance with the relative proportions of Nonconformists and Churchmen?—Yes.

2802. Mr. Foulkes Griffiths, in explanation to some extent of the views of the Baptists, said this, in giving evidence on the last occasion: "I perhaps might say that the men who are leading men in the Baptist Union are necessarily men somewhat advanced in years, and the more advanced doctors of divinity among us look with less regard to the sentiment of the service than the younger people do; so that the older people have a larger proportion among them who prefer civil marriage; the younger people do not think that civil marriage would be sufficient;" does that correspond in any degree with, or account for, the difference said to exist among the Congregationalists; in the Congregational churches is there any such difference?—I do not think there is any strong party among us who would wish for a civil marriage only.

2803. Now, coming back to the question put by Sir Francis Powell to the last witness; of course, under the New South Wales Legislature there is no established church at all, and there the clergy of all sections of opinion perform these functions?—I must honestly say I do not see why they should not. It seems to me that they are perfectly voluntary functions, and the man does not do them in his ministerial capacity simply; he does them as a citizen who, holding a certain office, discharges a certain duty. I do not think that he makes himself a State official by it.

2804. Then, summing it up in one sentence, you think that the scheme in the Bill I have submitted to Parliament is the most practicable thing that could be adopted, certainly?—Yes, with a little qualification.

2805. May I ask what qualification?—All that I should wish to have qualified in it is this: that the registrar or superintendent registrar should be made more distinctly and solely responsible for getting the return of the certificate. What I mean is, that after three months of grace, which I think you allow, if he does not get it, he should be entitled, he should be compelled indeed, to take some action in order to get it.

2806. May I put two points not on the Bill but upon the general scheme embodied in the Bill; I have to draw that distinction because the Bill is not referred to this Committee. We have been told (and I admit with considerable

Mr. *Perks*—continued.

force) that the delivery to the minister at the chapel of a piece of paper which he has to return might cause the loss of the certificate; would there be any objection among your denomination to adopt the course which is adopted universally, we are told, in all Methodist churches of all sorts, of keeping a register for the entry of marriages at the chapel; so that the contracting parties, instead of signing this piece of paper, I might call it a fugitive piece of paper if you like, should sign a book?—I do not quite see what difference there can be between the certificate and the book, if the plan is once accepted; and, considering the option, it seems to me the most gradual way of advancing to a change.

2807. You prefer the book?—Yes; I think a book would be better.

2808. We have had another practical difficulty pointed out: we were told that under the Irish law, Grogan's Act, the 26th Victoria, I think (I cannot quite remember the year), there the certificate authorising the marriage is not delivered, as in Scotland, and as is proposed in my Bill, to one of the contracting parties, but is posted to the minister; which do you think would be preferable; do you think that any danger would be caused by entrusting the people who are going to contract this marriage with the certificate?—It seems to me that they are the parties most deeply interested, and if it was penal for a minister to celebrate a marriage without a certificate, he certainly would require it.

2809. Now, your chapels, of course, are all settled, I suppose, upon trusts, which pt the control and management of your chapels in the hands of responsible trustees?—Yes.

2810. May I inquire whether in connection with their duties the trustees have to provide for the solemnisation of marriage, or is that left entirely in your churches under the personal control of the ministers?—Under the personal control of the minister; and even if there was a vacancy in the ministry, it is not the trustees who would be responsible, but the officials of the church, the deacons.

2811. But I may take it that the deacons and the pastor unitedly, and I suppose the trustees in some degree, would be responsible for seeing that no bogus and irregular marriages were solemnised in those churches; we have been told that there was a danger of bogus marriages being celebrated, and people fraudulently uniting together to entrap a young woman into marriage in these chapels?—I cannot see how that would arise.

2812. You think that is imaginary?—I think the minister is responsible to the law for having a certificate, and I cannot see how that difficulty could properly arise.

Mr. *Carvell Williams.*

2813. I think I understand that you do not concur in the opinion expressed by Mr. MacDougall, that a Nonconformist minister officiating at a marriage at the present time acts as a State official, and that if he did so in the absence of the registrar, he would still be more a State official than he is now?—No, I do not; I do not see that.

2814. Do you concur in Mr. McDougall's

Mr. *Carvell Williams*—continued.

opinion, that it would be well not to make any change until the arrival of a period when there can be made a change of a much more sweeping character than it is admitted is possible now; or do you think that an intermediate measure might be adopted?—I confess that the point put by an honourable Member of the Committee, Mr. Jordan, seemed to me conclusive on that point. If we have all the Methodist bodies, and a very large proportion of the Congregationalists and Baptists, all desiring this relief, it appears to me a very extraordinary thing for any minority of Congregationalists to say that they will not concur in giving it, but that they will be parties to the perpetuation of an admitted grievance.

2815. Do you think that the opinions which have been communicated to us in regard to the Congregationalists of Lancashire coincide with the opinions generally held by Congregationalists throughout the country?—I am bound to say I thought when I heard those opinions that there was not very much that I could object to in them. They seemed to be all agreed that they wanted a change, at all events with very few exceptions; that they wanted the registrars removed; all that they seemed to be strong about was, that they did not want ministers to be registrars; and I think so far they are the opinions of Congregationalists in general; but if they mean that they do not want a change at all, I do not think that that is the opinion of the Congregationalists generally; I think very much the contrary.

Chairman.

2816. You think they would fall in with it?—I think they would desire it. I do not mean to say that they desire this particular change, but that they want some redress of present inequality.

Mr. *Carvell Williams.*

2817. They therefore do not wish to wait for an indefinitely remote period?—I do not think so.

Mr. *Oldroyd.*

2818. You spoke in your evidence of the presence of the registrar as being obnoxious, in connection with the marriage ceremony, from the Nonconformist point of view?—Not personally obnoxious in any way, but simply that the presence of somebody whose presence is essential to the validity of the marriage is felt by a number of people to be a reflection upon the Dissenting service altogether.

2819. Now, I should like to get from you whether that opinion is confined to the ministers, or whether it extends to the laity of their congregations?—I can only say that at our meeting on Tuesday last it was very distinctly and strongly stated by one of our leading ministers that he believed it was felt more strongly by the laity even than by the ministers.

2820. Now, as regards the question generally of grievance felt by the Nonconformist body you represent, you say that it is so general that, until you had heard the evidence of the previous witness, you did not know that there was substantially a second opinion on the point?—No, I did not.

Mr. *Oldroyd*—continued.

2821. And you think that, on the whole, the Bill which is known as Mr. Perks's Bill would meet the cases of difficulty arising with regard to the question of registration?—That is purely my personal opinion. We had not any opportunity for the discussion of the Bill itself. In my opinion it would; and I am bound to say that I have come to that opinion after starting with rather a contrary view; it is a study of the Bill itself that has brought me to that opinion.

2822. With reference to the proportion of marriages in the Church of England, and in all the Nonconformist bodies, we had it that in the Church of England there are 699, and in the Nonconformist bodies 118, per 1,000; you say that the antiquity of the Church of England has a great deal to do with the large number celebrated there; and also the financial ease with which they are celebrated?—Yes, generally; undoubtedly the financial reason is a considerable element in the case.

2823. I will ask you a further question; do not you think that the larger proportion of 699 out of the 1,000 accrues to the Church of England under these statistics from the fact that people who are irreligious, who have no strong religious persuasions at all in any direction, naturally revert to the Church of England for the purpose of the ceremony?—Yes, I think they do. I think, so long as the Church of England remains the National Church, a large number of people will go to it.

2824. With regard to the signing of the register or of the certificate of marriage by the minister who celebrates the wedding as the officiating minister, do not you think that such a signature by the minister is a natural thing?—Certainly, I think so.

2825. As representing the ecclesiastical element in the service, it is a natural thing that he should sign it?—Yes, certainly, I think so.

2826. And that by so doing he does not make himself in any sense a registrar?—I do not think he does.

2827. And do not you think that such a ministerial signature, such a signature on the part of the minister, would be desired, generally speaking, by the parties to the contract who attend the Nonconformist places of worship?—I think they would be very disappointed if any minister refused to give his signature. There is one point to which my friend Mr. MacDougall referred that I should like to say a word upon, and that is, that I do not understand at all that I am compelled to celebrate a wedding if I do not like. I do not know that I am under any legal compulsion to do it. It seems to me a purely voluntary act.

2828. I wish to press one point further. The fact that you sign the register as officiating minister does not constitute you a registrar?—No, certainly not.

2829. That you are merely one of the witnesses, practically?—Practically one of the witnesses.

2830. Although not so classified, yet you are, practically, one of the witnesses?—Yes.

2831. And that your name is merely added to the other names in support of the evidence submitted

Mr. *Oldroyd*—continued.

mitted to the registrar by the certificate itself?—It is rather more than that, I think; it is a distinct declaration, I think, that I have performed the ceremony; it is an evidence.

2832. And it by no means constitutes you a registrar?—No, it does not; and it is not essential to the validity of the marriage.

Mr. *Carvell Williams.*

2833. You remember, I presume, that when you sign the certificate you sign to the effect that the marriage has been celebrated by you?—Certainly; that is what I said just now, that it is a distinct statement that I have performed the ceremony.

2834. The wording of the certificate recognises that fact?—Yes.

Mr. *Oldroyd.*

2835. With reference to bogus marriages or fraudulent marriages, do you think it would be possible under the regulations that obtain in the Independent body, with which you are so conversant, for parties to secure the celebration of a fraudulent marriage?—I do not see it.

2836. Do you think that any minister asked to perform a ceremony in connection with contracting parties who are absolute strangers to him, would make inquiries that would prevent

Mr. *Oldroyd*—continued.

the possibility of a bogus marriage taking place under his official sanction?—I suppose that in order to perform the marriage it would be necessary that he should have a certificate signed by the superintendent registrar of his district; and with the form and with the signature he must be tolerably familiar; and I cannot conceive his doing it without that.

2837. Therefore you think that when any case of that kind arises, the responsibility would rest rather with the superintendent registrar who issued the certificate, than with the minister who officiated at the ceremony?—Yes, certainly.

2838. So that so far as the minister is concerned, and the registered place of worship is concerned, no responsibility would attach to either of those?—I do not see how the situation would be altered from the present.

Mr. *Carvell Williams.*

2839. You do not think it would be easy or even possible, except in very rare cases, for a stranger to obtain the use of a chapel for the purpose of going through a mere form of marriage?—No, certainly not; I do not think we are too eager to let our chapels in that way.

2840. You mean that due care is always taken when chapels are allowed to be used by those who do not ordinarily frequent them?—Yes.

Sir Brydges Powell Henniker, Bart., called in; and Examined.

Chairman.

2841. You are the Registrar General?—Yes.

2842. I believe you wish to read a short statement which you have prepared?—Yes. I consider the presence of a civil functionary at a Nonconformist wedding (or for the matter of that at any wedding) to be a great advantage to all parties:—to the minister, because it relieves him of all responsibility in respect of the legality of the marriage and the correct registration of the same; and to the parties who attend to be married, because the presence of the registrar of marriages ensures correct registration, which is of the greatest importance of all classes. A marriage is of little use unless it can be easily proved, and if the attendance of registrars of marriages be done away with I fear that many marriages will be celebrated irregularly, and many marriages will be imperfectly registered or not registered at all. In 1891 some 68,000 marriages were, to our knowledge, correctly registered. It appears to me a retrograde step to do away with the attendance of the civil officer by whose attendance that excellence of registration was obtained. It would appear to be more reasonable to extend civil registration to all marriages or to make civil marriage and registration compulsory, leaving the parties after the civil marriage has been completed to have any religious ceremony they think fit.

2843. Have you any further remarks to make?—The rest of my remarks would relate principally to the imperfect way in which Mr. Perks's Bill, which has been so often referred to, is drawn up. I mean by that, that it is easy to see that it has not been drawn up by an expert in regis-

Chairman—continued.

tration. I could have shown that by going through a few clauses, but I understand that the Bill is not before the Committee. But perhaps you would allow me to trace very shortly what are the difficulties in the way of the certificate. I am alluding now to the certificate which is to be issued if that Bill or a similar Bill was carried into law. I should like in a few words to trace what that certificate, with a schedule which it is proposed to attach thereto, would have to go through, to show the dangers that attach to the completion of the registration, and moreover, the increased difficulties and the increased trouble that would fall upon the parties themselves who are going to be married under this system. If you will allow me to run shortly through it, I would do so. I need not go into the present system; I presume you have had that clearly shown by my chief clerk Mr. Whitaker. I will leave that alone and confine myself entirely to observations upon the proposed systems, proposed not only in Mr. Perks's Bill, but in Mr. Fowler's Bill, Sir Roland Blennerhassett's Bill, Sir Richard Webster's Bill, and so on, all of which I may I have had to examine and report upon. With regard to the intention of the framers of Mr. Perks's Bill, I am not very clear on that point, because there is a great confusion throughout the Bill caused by the way in which the superintendent registrar and the registrar are alluded to. It is not very clear sometimes in the clause whether it is the superintendent registrar; sometimes the superintendent registrar is called the registrar and sometimes the registrar is called the superintendent registrar.

Mr. *Perks.*

2844. We admit that we have gained a lot of information since then which makes it perfectly clear?—Then I need not touch further on that. Then the Committee are aware that the duty of the superintendent registrar and the duty of the registrar of marriages are perfectly distinct, and as the law stands now and as the law would stand if this Bill which I have studied very carefully was carried into law, they must still remain distinct. It does not appear so in the Bill, but the superintendent registrar alone can issue a certificate or license. The registrar's business only comes in when the 21 days have elapsed, and the certificate or the license or the certificate and the license are issued by the superintendent registrar; and it is not the case as is commonly supposed I notice, that there is constant communication between the registrar of marriages and the superintendent registrar; they may and they do, in rural districts especially, live miles apart; and they may only have communication one with the other once in a quarter. Now I should wish to trace the notice. The notice has to be given by the party wishing to be married, to the superintendent registrar (I am now confining myself entirely to the system now proposed.) After 21 days the superintendent registrar is to issue that certificate or license; we will keep ourselves to the word certificate, the licenses are so few, and say "that certificate"; and if the marriage is to be (and I am only arguing on that supposition) without the presence of a registrar, then comes in the registrar of marriages, because there has to be partial registration effected, and nobody can do that except the registrar of marriages by law; the superintendent registrar cannot do it. Then after the 21 days the man who wishes to be married, or the woman who wishes to be married, must go and take it, or must make arrangements for it to be sent; and this is the original document it must be remembered; it is to be really referred to as proof of the marriage. It must be sent to the registrar of marriages somehow by the superintendent registrar; he must fill it up, because he alone can register; and he must fill it up, or ought to fill it up, in the presence of both the parties. If he fills it up in the presence of one of the parties probably some error will occur. Anybody who has a practical knowledge of registration will know that the ignorance of the people in the class of life who would go to the registrar of marriages, or the superintendent registrar, as to the way in which their names are spelt, is extraordinary; there is no doubt about it; and when John goes, if he goes alone, and gives notice of his marriage to Mary, he very likely will know very little of how Mary's name is spelt, at any rate her surname. At present that is set right by the registrar who sees them both; but in this case he will only see one, if he sees him; he will have to fill it up. Then it has got to go to the party, the man himself, or the woman herself; and then to the minister, if there is a minister. If the marriage is to be at a chapel where there is no minister I am not quite clear who it is to go to, but I suppose to the member of the congregation who performs the ceremony. Well, we have got as far as him; he is to further fill

Mr. *Perks*—continued.

this up; he is to marry the people without the presence of a registrar, and he is to fill it up further, and then he is to put it into a registered envelope, as to which I am not quite clear if it is to be found by the registrar of marriages; if so, that, of course, reduces his fee by another 3*d.* I understood that the proposal was to pay the registrar 2*s.* 6*d.*; if he has to pay for a registered envelope and the stamps, that will be 2*s.* 3*d.*; it is reduced to that amount. Then, I am not quite clear, but I suppose it is to be sent back again to the superintendent registrar; because it is the superintendent registrar who has to afterwards make inquiries if he does not receive it, and it is he alone who will have information in his office as to the issue, and the date, and so on; and therefore, I suppose it is to go back to the superintendent registrar to satisfy him that the marriage has been celebrated. Then it has got to get to the registrar of marriages again, to be noted, and a copy made, and that copy sent to the superintendent registrar. That is, so far as I can trace the course, if this new system is adopted. It is not simple, and it will give more trouble to the parties going to be married than the present system; and there it is that I think danger will occur. It is true that the Nonconformist minister, if there is one, is put under penalties if he does not return the certificate. It is true equally now of the clergyman of the Church of England if he does not give a copy; but the two things would be entirely different. If the clergyman of the Church of England refuses to give copies every quarter of the marriages to my registrar when he calls upon him for them, he directly, and knowingly, and wilfully contravenes the statute, and it is easy of proof; I can proceed against him for doing it; he has books there, and he must do it, in point of fact, or he would be proceeded against at once. But it would be a very different thing to prosecute to conviction, a Nonconformist minster, who might very easily offer a number of excuses; he might say that he put it into an envelope, that he put it into the post, that he put it into his coat pocket meaning to post it, that it was entrusted to a boy to post. You cannot expect conviction under those circumstances; you may blame him for carelessness, but I do not look upon that as a safeguard. Further an inquiry is not to be for three months. I do not know how the inquiry is to be conducted; it is to be left to the superintendent registrar to do as he thinks fit; some provision would have to be made for the expenses of that inquiry; he only receives 2*s.*; it might cost him pounds to make an inquiry; the chapel may be 20 miles off; some provision must be made, even if he makes the inquiry, the minister may not be there; another minister may be there, and the chapel may not be in existence. Those are some of the difficulties that occur to me that would arise, if the scheme shadowed forth in Mr. Perks's Bill were carried into effect. There are a great many other such difficulties. The Committee are in possession, I think, of the regulations for registrars of marriage. On pages 31 to 38 of those regulations, they will find a vast number of documents to be looked through and questions to

be

Mr. *Perks*—continued.

be asked by the registrar, of the parties going to be married, all of which are most necessary; and I should doubt whether a Nonconformist minister would have sufficient knowledge to ask those questions. As the law stands now, there is not a question there to be asked, or a document to be produced, which is not required by law to be produced and an answer given to the question; the validity of the marriage might be affected thereby. There is another still further difficulty which arises, which is that if the marriage is to be celebrated in another district altogether, which it might be, under another Act of Parliament, that marriage would have to be registered in the district in which it is celebrated. There would be no means of sending back that schedule (which is the proper term to use, I think), to the person who issued it, there is no provision for that. It is registered in that other district and no questions could arise about it.

Chairman.

2845. Have you any further remarks that you wish to make?—No, I have told my story as shortly as I could.

2846. I was going to ask you one question; we have heard a good deal said in the course of this inquiry as to neglect to attend on the part of the registrar, by delay in some cases, and by entire failure to attend in others; have you had many complaints of that?—I think the actual number of complaints was given in evidence by the chief clerk of the general register office.

Mr. *Perks.*

2847. We were told 16 in two and a half years?—Yes, that is perfectly accurate I will venture to say.

2848. We were told that there were others not reported?—The explanation, probably, is that there may be others, and they do not think it worth while to report them. I can only go by the number which are officially received; I am very thankful that I escape frequent complaints.

Chairman.

2849. Do you make inquiry into these complaints?—I make inquiry into all the complaints.

2850. Have you found that they bear investigation?—Generally there has been some extraordinary mistake made or some accident has happened, which might happen to a minister, some fearful snowstorm or anything of that kind; there is always some good reason for it. If not, if the thing occurred twice, the registrar would go. I have power to dismiss a registrar of marriages.

2851. Have you had occasion either to dismiss or to severely censure any registrar?—Yes, I have dismissed a good many and censured a good many.

2852. On this ground?—No, I do not know on that particular ground. During 14 years I have had occasion to censure registrars of marriages, for carelessness of course. I forgot to make one remark which I should like to make before the Committee, which is this: that if the privilege is given by Parliament to Nonconformist denominations to marry without the presence of registrars, I think myself it ought to be confined to those religious denominations which have a central organisation sufficient for maintaining

Chairman—continued.

discipline among their ministers by censure and removal, and for enforcing the observance of the requirements of the Act.

2853. Statements have been made as to the want of accuracy in Church of England registers; have you any remark to make upon that evidence?—I think there is no doubt about it, that there is a want of accuracy. I keep a good many clerks at work in trying to correct the errors made.

2854. Are you able to correct the errors?—I cannot correct an error; it is the clergyman who may correct the error when it is discovered.

2855. But do you find that you can cause the errors to be corrected?—I cannot correct an error in the copy; I only receive copies.

2856. But can you set the machinery in motion to correct the errors?—I can point out to the clergyman when a very important error is made, and can show him that under a section of an Act of Parliament he can correct that error if he think fit; but I cannot make him do it, and in a certain number of cases he will not do it. I saw it stated the other day, that I had a great deal of authority over clergymen. I beg to say that I have no authority.

2857. Then do you consider that this inaccuracy is on such a scale as to be an important matter?—You see my opinion must be formed from copies only; I only see the copies, unless, under very rare circumstances, books are produced to me to show how badly they have been kept. I have had books produced to me, kept by clergymen of the Church of England, and if they had been so kept by a registrar of marriages, that registrar of marriages would not have continued to hold office; that is all I can say about it. And I wish further to state that I have not the slightest doubt that the marriages are far more accurately registered by civil functionaries than by the clergy.

Mr. *Oldroyd.*

2858. You were good enough to say just now that you were not personally concerned with the registers themselves, that you merely see copies?—That I was not personally concerned with the registers of marriages. I do not see the books you know; the clergy are obliged to send me the copies.

2859. Are not the superior officers under you, called the superintendent registrars, in the same position?—May I suggest what you mean is that I only get copies from the registrars of marriages.

2860. And the superintendent registrars themselves only get copies?—That is true; but every third year those books are carefully inspected by my inspectors. In the one case there is no inspection of the original; in the other case they are carefully looked through in less than three years and reported upon.

2861. You have admitted just now that there is considerable irregularity in the entries made by the clergymen of the Church of England?—I believe that to be so,

2862. Have you formed any opinion as to the probability of equal or greater or less irregularity if the ministers of the Nonconformist churches were allowed to perform the same functions as

Mr. *Oldroyd*—continued.

are now performed by the Church of England clergymen?—I can hardly suppose that the work would be better done; I know no reason why it should be better.

2863. Do you think it would be worse?—I cannot tell you; they have never been tried; I have never seen a book kept by them, but I do not know any reason why it should be better. They are not men of business any more than clergymen of the Church of England; and they are not trained to register whereas my men are; they cannot be dismissed if they do not register properly; my men can be.

2864. You said just now that you have no control over the clergymen of the Church of England?—I have no more control than this, that a clergyman of the Church of England is bound by Statute to send me quarterly copies, and of course if he does not give me quarterly copies I can proceed against him for not doing so.

2865. I want to know if you have ever proceeded against a clergyman of the Church of England?—Never. I have one case in the office in which a clergyman did refuse and he was proceeded against; that was many years ago.

2866. Have you frequently had to make complaint to clergymen; is it within your province to make complaints to the clergymen of their irregularity on an inspection of their books?—The books are not inspected; it is only on the copies. I never find it out till a book is filled and sent to the superintendent registrar; they keep it in duplicate, and there may be 500 entries, and there are some books which were issued in 1835 and have never yet been filled up; and it would be useless when a book got to the superintendent registrar after a great number of years to complain of the carelessness of one clergyman; but I complain of the copies.

2867. But we have it in evidence that sometimes the copies supplied are so manifestly irregular, that on the face of them it is evident that mistakes have been made?—Then immediately a letter is written to the clergyman.

2868. Have you had many difficulties when those complaints have been made; have you generally found them obedient?—Most of them will do what one asks them to do, but if a clergyman chooses to put my letter in the waste paper basket I have no power over him.

2869. Therefore, the regularity of the system in the Church of England in the filling up of these certificates is entirely dependent on the good will of the clergyman?—Yes, with this thrown in, an appeal to his ecclesiastical superiors. But then I have seen it stated in the evidence that I have a great deal of power over the clergy; I have really very little power. On the whole they behave as gentlemen and they take my remonstrance in good part; that is all I can say.

Mr. *Perks.*

2870. And do nothing?—I do not wish that to go forth. Where the error can be corrected they do it; they need not do it unless they like, but they do do it.

Mr. *Oldroyd.*

2871. If I rightly understand you, you have not dismissed any registrars of marriages for complaints arising out of the 16 cases that have been referred to?—I could not tell you; I rather think so; but it would take me some time to look through them; I could not absolutely say whether I have or have not; I do not remember the cases; I have not looked into it sufficiently. I should not dismiss a man if he had some very good reason to give, or expressed his regret, and apologised.

2872. I will ask you one question with regard to the difficulties under a Bill similar to that introduced under the name of Mr. Perks; would it not be quite feasible for the superintendent registrar, from whom the certificate of marriage emanated, to take upon himself the duty of tracing, within a very limited time, the question as to whether the marriage for which that certificate was issued had been really performed?—If you were to provide in the Bill means for the expenses being paid, I daresay that could be done; he might set to work in a week, and inquire about every marriage; it would be rather an expensive proceeding, and must be paid for by the State in some way. I have no funds at my disposal. Bear in mind that the superintendent registrars, and the registrars of marriage, are paid entirely by fee, and you cannot ask a man who receives a fee of two shillings for doing a good deal of work to spend a pound in an inquiry, unless you provide the means for his doing so. It would be a question that I should have to discuss with the Treasury of course. And then I pointed out the difficulty that by the time he began to make inquiries the minister might have gone, and the chapel might have gone.

2873. I was going to ask you if you find that chapels do vanish in that sort of way?—Yes, they do vanish.

Mr. *Carvell-Williams.*

2874. I think you have expressed the opinion that it is desirable that the registrar should attend all marriages, whether those of Nonconformists, or those in connection with the Church of England?—From a registration point of view, certainly.

2875. And I think you have also expressed an opinion in favour of the separation of the civil from the religious portion of the marriage ceremony?—Equally, from a registration point of view; that would be an ideal registration.

2876. Do you think that either of those changes would meet with general public acceptance?—No, I do not.

2877. In other words, do you think that they are practical remedies?—No, I do not at the present moment; I guarded myself by saying that I recommended it entirely from a registration point of view; but if you ask me whether the clergy would object, I think they would.

2878. But, notwithstanding you are of that opinion, you, apparently, are not in favour of a change of the existing law?—No, I am not in favour of a change, because I find that registration to that point, of that number, is well done, and I do not wish to see it altered unless a better system can be devised. I am unable to devise a better system, and therefore, at present, I object to the alteration.

2879. But

Mr. *Carvell Williams*—continued.

2879. But when you say that, I assume that you look at the matter simply from the registration point of view, and that you have not in your mind regard to objections taken by Nonconformists to the existing system?—I have them in my mind, but my expression of opinion must be based upon my knowledge of the importance of registration.

2880. Your official position naturally induces you to maintain the existing system rather than to favour the adoption of a new one?—Undoubtedly.

2881. The existing marriage system is now 57 years old?—That is so.

2882. Do not you think it likely that during that time circumstances have arisen and local changes have taken place which may render an alteration of the law desirable?—Well, it is not altogether 57 years old; it has been built up. There have been various amending Acts; I do not think the last Act is 57 years old. The General Register Office has only been in existence 56 years, and from time to time there have been important amending Acts passed.

2883. But there have been no substantial changes made in the law relating to the marriages of Nonconformists, have there?—In the system of registering there have not; there have been various amending Acts passed to admit of Nonconformists being married at chapels at which they could not be married before; I mean the Act passed in, I think it was 1872, which allows them to be married at their usual place of worship if it is out of the district; small points of that kind.

2884. Which have been simply extensions of the existing system?—That is so; there has been no radical change in the system.

2885. Is not the marriage law which you administer mainly based upon the poor law administration?—I do not quite follow you.

2886. Boards of guardians divide unions into registration districts, do they not, with the approval of the Registrar General?—Not into districts of registrars of marriages. A registration district is conterminous with a union; the registration sub-district is conterminous with the duties of the registrars of births and deaths, and the registrars of marriages, of whom there may be even six in a district, may be called upon to act in any part of that district.

2887. If the clerk to the board of guardians is a qualified person, and wishes for the office of superintendent registrar, he may claim it, may he not?—No; the clerk to the board of guardians under the first Act, if he chose to apply for it, was made superintendent registrar; that was for the first appointment; and since then he is not so entitled.

2888. The guardians have to provide a register office?—They have to provide a register office.

2889. And that office is very constantly in connection with the poor house?—Not if I can help it.

2890. That has been a matter of complaint in past times, has it not?—It has; and it is a complaint that I have sympathised with fully, and I have altered that as far as I can.

2891. Marriages at chapels have to be celebrated by some registrar of the district in which the chapel is situated; why should that be so; why should not the attendance of a competent official person be sufficient, whether he happens to be a registrar for that district or not?—You see it is within the whole district. The district is conterminous with the union, and we want to know for other purposes how many marriages there are in each union. It must go to the superintendent registrar, and he has no power out of the district. By the word "district" is meant union, and the superintendent registrar has no power to act out of that union or district.

2892. If a marriage is celebrated at the office of the superintendent registrar, the registrar of the district has to be present also, has he not?—That is so.

2893. Why should that be so?—Because a superintendent registrar by law has no registering power.

2894. Is there any reason why he should not have the power?—Not if you give it him by Act of Parliament.

2895. So that that is a change which might be effected without altering the system?—Without altering the system; but then you would have to get rid of your registrars of marriage.

2896. Is there any reason why all registrars of births and deaths should not also be registrars of marriages?—Yes. A good many, as you are aware, perhaps, are so. I should think that there are over 500 registrars of births and deaths out of the 1,100 odd who are registrars of marriages; but it is a Local Government Board Order which was issued, and which is very strictly now adhered to, that no relieving officer can go outside of his relief district for any purpose whatever. It is of great importance, naturally, in rural districts that the registrar of births and deaths should be the relieving officer; I need not go into the reasons, but it is so; and if he is a relieving officer he cannot go out of his relief district, which, as far as possible, is made conterminous with his registration district for births and deaths. Clearly, therefore, he could not go into any other part of the district as distinct from his sub-district to attend a marriage. The Local Government Board would not allow a new man to accept an office which would take him outside of his relief district.

2897. Does not your statement go to show that the marriage law system is largely based upon the poor law system?—The appointment of officers does depend upon the Local Government Board system.

2898. But you have stated, as a reason why all registrars of births and deaths should not also be registrars of marriages, that they are in very many cases relieving officers?—Yes.

2899. And that that is the reason why they ought not to be registrars of marriages?—That is one of the reasons.

2900. Then that confirms the statement, does it not, that the marriage system is largely based upon the poor law system?—I think you are right.

2901. Is there a sufficient reason why, when a new chapel takes the place of an old one, the process of registration should be gone through afresh, and the same fees be paid as in the first instance?—No; I cannot give you any other reason than that it is a part of the schedule of

Mr. *Carvell Williams*—continued.

fees. If you mean why it should not be continued without payment, I can only tell you that the superintendent registrar would lose 3*l.*

2902. That is a merely financial objection?—That is merely a financial objection.

2903. You are aware, perhaps, that in Ireland the fee is only 1*l.* for registering places of worship for marriages?—I do not know about the law in Ireland.

2904. Are you aware that in Scotland and in Ireland the attendance of the registrar is not necessary, and that the existing system in those two countries is not attended with the dangers which you say would follow the non-attendance of the registrar in England and Wales?—Well, I do not pretend to know much about the law in Scotland or Ireland; but I do know that in Scotland they have a great number of irregular marriages, and I should be sorry to see a system introduced into this country which would lead to a multiplication of irregular marriages as they have them in Scotland; and I do not know (I have never had any evidence before me) that the registration effected in that way is well effected; I do not know that.

2905. Then you are not aware that almost the same method is pursued in Scotland as that which is contained in Mr. Perks' Bill, the difference being this: that in Scotland the parties are entrusted with the return of the certificate, and not the minister; and, notwithstanding that fact, the Committee have been told by competent witnesses that the system works well, and gives satisfaction to the Scottish people?—I do not know anything about that.

Mr. *Perks.*

2906. Perhaps you remember the objections which were raised, and said by official witnesses to be almost insuperable, against the abolition of church rates?—I do remember, I am not very clear what they were, but I remember great objections were made; I probably objected myself.

2907. Supposing that Nonconformists are decided upon getting rid of this grievance, and Parliament says that in justice to Nonconformists the grievance must be removed, you surely are capable of devising in your Department some reasonable system for the registration of marriages conducted in Nonconformist chapels?—Perhaps I had better put it in this way: I have always held that such a fundamental change in the registration laws should be effected, if effected at all, by a Bill brought in by Government, and drafted by a Parliamentary counsel after consultation with an expert in registration; that is a view I have always held; and, of course, if the Government of the day decided that a Bill was to be brought in, I should have to do my duty, and go to the Parliamentary counsel, and to the best of my power assist him to draw up a Bill. But I have also got to add that I have tried it, and have signally failed in satisfying myself.

2908. Yes; but if that has seriously to be done, I have more faith in your Department than you have yourself. I think these little difficulties about confusion between the registrar and superintendent registrar, and whether the one

Mr. *Perks*—continued.

should be abolished and the other retained, are mere matters of detail which you would arrange, if you knew that the thing had to be done, on some reasonable system of justice. You do not wish to tell us that you could not do that?—I have not for a moment stated that if I got my orders from the proper authority I could not do it. I think you would hardly expect me to volunteer to help in bringing in a Bill to effect a change of which I do not approve. If I was ordered by the Government of the day to prepare a Bill, I do not say it is beyond the wit of man; at any rate my efforts would be at their disposal, to carry out their wishes in the best way I could.

2909. Do you think you could do for English Nonconformists what Ireland and Scotland in 1863 and 1878 did for Irish and Scotch Nonconformists?—I am afraid I know nothing about that; I know so little of the state of things in those countries.

2910. I thought you did not know much?—I know nothing about Ireland or Scotland. The laws of marriage in those countries are as different as they can be, and their system is different; and I really know nothing about Ireland or Scotland. I am afraid I could not answer your question. I have some slight acquaintance with the Grogan Act; I happen to have read it; that is all.

2911. I think that is perhaps one of the reasons why you do not think the Bill would work as well as some of us think it would?—I can only say frankly that I think at present it would be very difficult to make it workable; that is my opinion.

2912. There is one point I want to put to you on that extract you read from the preamble of the late Government's Bill, Sir Richard Webster's?—It is a clause of the Bill; it is not in the preamble. You are quite right about the Bill.

2913. Are you aware that that would have rendered marriages in Baptist, Congregational, and Presbyterian churches in this country impossible?—I did not know that; in fact I do not pretend to know how many it would cut out.

2914. Is it not rather desirable, before you legislate for Nonconformist churches, that you should discover how those churches are ecclesiastically constituted?—You mean that I ought not to have even read that.

2915. I think it is very valuable to read, but the objection to Sir Richard Webster's Bill which embodies that principle was, that there are a very large number of very important Nonconformist churches in this country which are independent churches, which have no central controlling or governing body; and, therefore, if you had adopted that theory, you would have cut out from the provisions of the Bill at least one-fourth if not one-third of the Nonconformists of this country?—If such a Bill was drawn up and brought before the House I should be extremely sorry to do that; but my object was to cut out, not an important society like one of those, but some of the sects which I need not mention. There are 200 sects, as you know, some of which I had in my mind. It was never in my mind to cut out the Congregationalists or Baptists, or the Wesleyans, as the case may be.

2916. Would

Mr. *Perks*—continued.

2916. Would you object to look at and read the evidence of the Irish registrar who told us how they had provided for that exact emergency. Mr. Matheson informed us that they had tried to meet that difficulty in Ireland in an entirely different way?—I thought he stated that the Roman Catholics sometimes put their certificates into their pockets and carried them away; that was the only part of the evidence which struck me and took my attention.

Mr. *Oldroyd.*

2917. You say that you are ignorant of the law obtaining in Ireland and Scotland; has it not occurred to you that it might be useful for carrying out your own duties and especially having regard to prospective legislation on the matter which is being investigated by the Committee, that you should make inquiries about, or acquaint yourself with, the conditions of the marriage laws in Ireland and Scotland for the purposes of comparison?—I will endeavour to take your advice and add to my education.

2918. I am not advising you; merely asking you if that might not be useful?—All information is useful. At present we are very apart; we do not often touch each other, and the laws do differ so much in the two countries that I have not found it necessary to study them. There is a very wide difference between the law of Ireland and the law of Scotland, and the law of England; and I have always held that all this change ought to have been commenced by a Commission on the marriage laws.

Mr. *Jordan.*

2919. You have given valuable information which I personally am glad to have, and I would like to ask you broadly, and irrespective altogether of Mr. Perk's Bill and without going into detail, if you consider that under the present system the Nonconformists of England have grievances in relation to the marriage laws in the shape of inequality with the Church of England?—I consider that proved by the formation of this Select Committee as well as in other ways, and by the Bills which have been brought in by different Members of Parliament who must know the wants of Nonconformists. I consider that that is evidence sufficient, otherwise it is not within my personal knowledge, but I take it that it is so, because of the Bills which are persistently brought forward and because of this Select Committee having been appointed.

2920. The inequalities referred to, like the charges for marriage and the publication of the names at workhouses, and the presence of the registrar at the marriage, these are some of the inequalities that the Nonconformists complain of?—I take it broadly that the attendance of a civil functionary at a marriage at a chapel and the non-attendance of the civil functionary at a church does create, sentimentally or otherwise, I do not care which, a grievance; I quite allow that.

2921. Would you say then that having admitted that there are grievances, there should be no redress granted to these Nonconformists?—But I have not said so. It is not in my power to say so. I have said that at present I have not

Mr. *Jordan*—continued.

seen a scheme devised which could safely be carried out.

2922. But then you would redress the grievances?—Yes; I would much rather see civil registration extended, and equality produced in that way.

2923. Then, as you say you would rather see civil registration extended, am I to take it that you would desire to see the presence of the registrar at the service in the Church of England?—Yes, unless it could be done away with by having civil marriages.

2924. You would have the alternative?—I would have either his presence at all or at none.

2925. You think it desirable that all should stand on an equality by law?—That is it.

2926. Inasmuch as we have it in evidence that you cannot expect to compel the Church of England to accept the registrar, I take it that the other alternative would be that the registrar should be taken out of the Nonconformist places of worship?—You cannot get me to say that I should like to see that, because I should not. I really should not like to see it, because I look at it in a registration point of view, and I do not believe that the registration would be so good if that were done.

2927. But wishing the Nonconformists redress, and the Church of England not permitting the other, that is the only alternative you can suggest to us?—I have not one to give you; I wait my orders.

2928. But at present you subordinate every other consideration to registration?—That is so; that is my duty,

2929. Now do you consider it necessary to correct registration; that the registrar should be present at the marriage?—I do.

2930. In view of the state of the law in reference to Jews and Quakers in England, and of the state of the law in Ireland and Scotland, do you consider that correct registration cannot be obtained without the registrar's attendance at marriages?—I adhere to that.

2931. Even in face of the state of the law in regard to the Jews and Quakers, and in Scotland and Ireland?—I have promised to look into the law in Ireland; I cannot say more than that. Those are my opinions; I cannot change them. It may be red tape, but red tape is sometimes a very good thing.

2932. The laws in reference to Jews and Quakers in England are different from those which relate to the Nonconformists generally?—I should say *de minimis non curat lex.* Quaker marriages are few; but I believe that they are correctly registered.

2933. Then in Ireland the law is different for the Noncomformists from what it is in England?—I know nothing of Ireland.

2934. You are registrar general of births and deaths as well as marriages?—I am registrar general of births and deaths as well as marriages.

2935. Do you obtain correct registration of births and deaths though no registrar attends at births or deaths?—Yes I believe they are very correctly registered.

2936. Then if so, might it not be possible to have correct registration of marriages without the presence of the registrar?—But death is

Mr. *Jordan*—continued.

registered in the presence of the registrar, and so is birth.

2937. He is not at the birth or at the death?—No, but he takes the evidence of the people who were present at the death.

2938. But he is not there?—No, he is not there.

2939. Then in view of correct registration, might you not have correct registration of marriages though the registrar was not present at the marriage?—I cannot see it.

2940. Then you would send the registrar to the births and deaths in order to make it right; is that so?—To be present at every death do you mean? I think it is hardly within possibilities.

2941. If the minister or the celebrant were registrar as such, could he not fill up the certificates and do all that the civil registrar now does?—If he is a registrar of marriages he can do all that a registrar of marriages can do; and I have had more than one Nonconformist minister who is a registrar of marriages.

2942. Then that would save the confusion, which is one of those objections which I suppose might rather be called apprehensive criticism, that you have made to Mr. Perks' Bill?—But

Mr. *Jordan*—continued.

then comes the objection which is urged that he would be a State official.

2943. Have you seen Mr. Waller's evidence, in which he said that owing to the various connexional schedules that the Methodist ministers have to fill up, they would be more likely to register marriages correctly than the Church of England ministers?—No, I have not.

2944. He or some one on behalf of the Methodists said that owing to the fact that there were Methodist connexional schedules to be filled up of a very complicated nature, there would be no difficulty in the world in their filling up a marriage certificate and register; and that they would be more likely to fill it up correctly than the Church of England ministers?—I do not see the force of the argument.

2945. Have you seen the question and answer that I am alluding to?—No, I have not seen the evidence.

2946. If Mr. Waller said so, and based it upon fair information, do you think that would be fairly correct?—I have not sufficient knowledge of the duties of a Methodist minister to enable me to express any opinion as to his accuracy in filling up schedules.

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APPENDIX.

APPENDIX, No. 1.

PAPER handed in by Mr. *A. J. Shepheard*, 6 June 1893.

NEW SOUTH WALES.

MARRIAGE.

AN Act to Amend and Consolidate the Laws affecting the Solemnization of Marriage, 30 November 1855. 19 VICTORIA. No. 30.

WHEREAS it is expedient to amend and consolidate the laws relating to the solemnization of Marriage in this Colony. Be it enacted by His Excellency the Governor of New South Wales by and with the advice and consent of the Legislative Council thereof as follows :— Preamble.

1. This Act shall commence on the first day of March one thousand eight hundred and fifty-six on and from which day the Acts of Council enumerated in the Schedule hereto marked A. shall be repealed except as to marriages solemnized and things lawfully done by virtue of any such Act before that day. Repeal of Acts.

2. No marriages shall be celebrated except by some Minister of Religion ordinarily officiating as such whose name designation and usual residence shall have been registered and shall then continue registered in the office of the Registrar General for Marriages in Sydney. By whom marriages to be celebrated.

3. Provided that where the parties to be married shall before the Registrar for Marriages of the district within which the intended wife ordinarily resides sign a declaration in the form set forth in the Schedule to this Act marked B. the marriage may be celebrated between such parties by such District Registrar in the form of words set forth in the Schedule hereto marked C. to be repeated and signed by the parties to such marriage respectively. Declaration of marriage before District Registrar.

4. No marriage shall be celebrated until after a declaration (upon oath or solemn affirmation) shall have been made before some Surrogate for licenses or before the Minister or District Registrar celebrating the marriage by each of the parties to be married in the form set forth in the Schedule hereto marked D. Banns or license.

5. Every marriage which shall be celebrated by any such minister or Registrar as aforesaid after oath or solemn affirmation so made shall be a legal and valid marriage to all intents and purposes and no other marriage except as hereinafter provided shall be valid for any purpose. Essentials for valid marriage.

6. Provided that no marriage in fact shall be avoided by reason only of the same having been celebrated by a person not being a Minister or ordinarily officiating Minister of Religion if either of the parties to the marriage shall at the time *bonâ fide* have believed that he was such ordinarily officiating Minister. Provision for certain special cases.

7. Every marriage shall be celebrated in the presence of two witnesses at least who shall sign a certificate which shall be also signed by the Minister or Registrar celebrating the marriage and by the parties thereto and shall be legibly written (or partly written and partly printed) in the form contained in the schedule hereto marked E. and such Minister or Registrar shall deliver a copy of such certificate immediately after the marriage signed by himself to one of the parties to the marriage and the said minister shall within one month thereafter transmit the original certificate to the Registrar of the District within which such marriage was celebrated. Witnesses and certificate.

8. Nothing in this Act shall extend to any marriage between parties of whom both shall be Quakers or Jews. A certificate of every such marriage shall nevertheless within ten days next following be transmitted to the Registrar of the District within which it was celebrated by the person celebrating the marriage or by one of the parties thereto stating the date and place of such marriage and the name designation and usual residence of each of those parties. Quakers and Jews.

9. Every marriage celebrated between parties being both Quakers or both Jews shall be as legal and valid as if duly solemnized under the provisions of this Act if such marriage was when celebrated a valid marriage according to the usages of the Quakers or Jews as the case may be. Such marriages valid.

10. If either party to any intended marriage not being a widower or widow shall be under the age of twenty-one years such marriage shall not take place without production to the Minister or Registrar about to celebrate the same of the written consent of the father of such party if within the Colony or if not within the Colony then of a guardian appointed by the father or if there be no such guardian in the Colony then of the mother of such party if within the Colony or where there is no such parent or guardian in the Colony or he or she is incapable of duly consenting by reason of distance habitual intoxication or mental incapacity then the written consent of some Justice of the Peace appointed for that purpose as hereinafter mention Provided that such Justice shall make inquiry on oath as to the facts and circumstances of the case before giving such consent. Consent in case of minority.

11. For the purposes mentioned in the foregoing section the Judges of the Supreme Court shall appoint from time to time one or more Justice or Justices of the Peace in every Registrar's District who shall by virtue of such appointment give consent in such cases as aforesaid every such appointment to be notified by the said Judges in the New South Wales Gazette. Judges to appoint persons to consent in certain cases.

12. When any marriage shall be celebrated upon the production of any such written consent as aforesaid a statement of the fact of such consent shall be indorsed on the certificate of such marriage and on the copy thereof signed respectively by the Minister or Registrar celebrating the same. Consent to be indorsed on certificate.

13. No marriage shall be deemed to have been unduly celebrated by reason only of any mere defect or error in the declaration made respecting the same where the identity of the parties to the marriage shall not be in question. Certain marriages made legal.

19 VICTORIA, No. 30.

Confirming all existing marriages.

14. Every marriage celebrated in this Colony before the commencement of this Act by any Minister of Religion or person ordinarily officiating as such shall be and be deemed to have been from the time of the celebration thereof a perfectly legal and valid marriage (notwithstanding any non-compliance with forms or other irregularity attending the celebration) to all intents and purposes.

Certain marriages not made legal.

15. Provided that nothing in the previous section or in the fifth section of this Act shall legalise any marriage declared or made (or which shall hereafter be declared or made) invalid by any competent Court or by Act of Council nor any marriage where either party thereto had another wife or husband then living nor any marriage which would have been or would be void but for those sections by reason of relationship kindred or alliance or of fraud or incapacity to contract marriage or any marriage where) the same being at the time of its celebration invalid) either of the parties thereto shall afterwards and before the passing of this Act have intermarried with some other person.

Registration proof of marriage.

16. A copy of the registry of any marriage in the office of the Registrar General under his hand shall be received as evidence in all proceedings civil and criminal of the fact of such marriage having been duly celebrated until the contrary be shown.

Punishment for unlawful celebration of marriage.

17. Every Minister District Registrar or other person who shall celebrate or profess or attempt to celebrate marriage in the case of any person under the age of twenty-one years not being a widower or widow without some such written consent as aforesaid knowing him or her to be under that age or knowing that the consent produced is not by the appropriate person or who shall wilfully celebrate or profess or attempt to celebrate any marriage in any other case contrary to any of the provisions of this Act or where any provisions of this Act shall not have been complied with knowing the same not to have been complied with shall be guilty of a misdemeanour and being convicted thereof shall be liable to a fine not exceeding five hundred pounds either alone or with imprisonment not exceeding five years.

False statements deemed perjury.

18. Every person who shall object to take an oath under the provisions of this Act may make in lieu thereof a solemn affirmation or be examined (as the case may be) upon his or her solemn affirmation. And any person who shall wilfully make any false statement on oath or by solemn affirmation before any Surrogate District Registrar or Minister or before any Justice appointed as aforesaid under any of the provisions of this Act or intended or purporting so to be shall be deemed guilty of perjury and be liable to prosecution and punishment accordingly.

Marrying minors.

19. Every person who shall wilfully marry a person under the age of twenty-one years (and whom he or she shall know to be under that age) without having previously obtained the written consent of the father or guardian or (where the mother is competent) of the mother of the person so under age or the written consent of some Justice appointed in that behalf or who shall induce or endeavour to induce any Minister Registrar or other person to celebrate marriage between parties one of whom he or she shall know to be under age without such consent and every person who shall abet or assist the offender in any such act knowing the same to be illegal shall severally be guilty of a misdemeanour and be liable to such punishment by fine not exceeding five hundred pounds or imprisonment not exceeding five years or both as the Court may award.

Forging any consent certificate &c.

20. If any person shall forge or assist in forging or procure to be forged (or shall utter or assist in uttering or cause to be uttered as true knowing the same to be forged) any consent or writing purporting to be a consent of or by the father guardian or mother of a person under the age of twenty-one years or to be the consent of a Justice appointed as aforesaid under the provisions of this Act or any certificate or writing purporting to be a certificate under the provisions of this Act or any copy of registry or writing purporting so to be or shall sign or transmit to any Registrar any certificate or writing purporting so to be containing to his or her knowledge any false statement therein—the person so offending shall be guilty of felony and be liable to imprisonment with hard labour or hard labour on the roads in the discretion of the Court for any term not exceeding five years.

Non-registration of Minister's name.

21. No marriage shall be affected by reason of the omission by the minister celebrating the same to cause his name designation or usual residence to be registered according to this Act but every Minister or person officiating as such who shall celebrate any marriage knowing that his name designation or usual residence has not been so registered or is not then duly registered shall be liable to be dealt with under the seventeenth section of this Act or if the omission was accidental or by inadvertence to a fine not exceeding twenty pounds to be recovered by proceeding in a summary way before two Justices.

Omission to transmit certificate of marriage.

22. If any Minister or person having celebrated any marriage shall fail to comply with the provisions of this Act or any of them respecting the certificate to be transmitted to the District Registrar he shall be liable to a fine of not less than ten pounds and not exceeding fifty pounds to be recovered by proceeding in a summary way before two Justices. And in cases within the eighth section of this Act where no person shall have celebrated the marriage other than the parties thereto themselves the like penalty shall attach to the husband in case the certificate thereby required shall not be duly transmitted.

SCHEDULE A.

Acts repealed.

6 Geo. IV., No. 21	Passed 1st November 1825.
5 William IV., No. 2	„ 4th July 1834.
7 William IV., No. 6	„ 5th August 1836.
2 Vict. No. 13	„ 29th August 1838.
3 Vict. No. 7	„ 5th September 1839.
3 Vict. No. 23	„ 19th November 1839.
4 Vict. No. 14	„ 23rd September 1840.

SCHEDULE B.

Form of Declaration to authorize Marriage before District Registrar.

WE *Thomas Williams* of (*usual place of residence and designation or employment*) and *Mary Edwards* of (*usual place of residence and employment*) do hereby declare that we are desirous of being married but that we conscientiously object to be married by a Minister of Religion [*or* "but that there is no Minister of Religion accessible for the purpose of solemnizing our marriage"].

Signed by the parties this day of 18 before me } [*Signatures.*]

SCHEDULE C.

Form of Marriage before Registrar.

I *Thomas Williams* of (*usual place of residence and designation or employment*) do hereby declare in the presence of A. B. Registrar of Marriages for the District of *Bathurst* that I take *Mary Edwards* of (*usual place of residence and designation or employment*) to be my lawful wife. And I the said *Mary Edwards* do declare that I take the said *Thomas Williams* to be my lawful husband.

[*Signatures.*]

SCHEDULE D

Declaration before Surrogate District Registrar or Minister.

I *Thomas Williams* of (*usual place of residence and designation or employment*) being duly sworn do on my oath declare (*or if objecting to take an oath* " do solemnly and sincerely declare and affirm ") that I believe there is no impediment *or* lawful objection by reason of any kindred relationship or alliance or any former marriage or the want of consent of parents or guardians or any other lawful cause to my being married to (*Mary Edwards*) of (*usual place of residence and designation or employment*) daughter of (*James Edwards*) of (*usual or last place of residence and designation.*)

(*Signature of Thomas Williams.*)

And I the said (*Mary Edwards*) do on my oath declare (*or* do solemnly and sincerely declare and affirm) that I believe there is no impediment or lawful objection by any such reason or other lawful cause as aforesaid to my being married to the said (*Thomas Williams*).

(*Signature of Mary Edwards.*)

Declared and sworn (*or* " and affirmed ") by both the parties named this day of 18 before me }

(*Signature and designation*

SCHEDULE E.

Certificate of Marriage.

I (*name of Minister or Registrar*) being (*designation*) do hereby certify that I have this day at (*place*) duly celebrated marriage between (*name designation and residence of husband*) and (*name designation and residence of wife*) after declaration duly made as by law required)

Dated this day of 18

Signature of Minister or Registrar.

A B.

Signatures of parties to Marriage. { C. D. / E. F. }

Signatures of Witnesses. { G. H. / I. K }

APPENDIX, No. 2.

PAPER handed in by the Rev. *D. J. Waller*, D.D., 9 June 1893.

WESLEYAN METHODIST CONFERENCE.

COMMITTEE OF PRIVILEGES.

NONCONFORMIST MARRIAGES BILL (Attendance of Registrars), No. 144, and the Amendments placed on the Paper by the Right Honourable Sir *Richard Webster*, M.P., Attorney General, and the Right Honourable *H. H. Fowler*, M.P.

Sir,

THE Committee, having examined the Bill introduced by Mr. H. J. Atkinson, M.P., together with the Amendments of the Attorney General and Mr. H. H. Fowler, submit the following resolutions for your consideration:—

1. The Committee expresses its satisfaction that Her Majesty's Government, by supporting the Second Reading of Mr. Atkinson's Bill, have acknowledged the grievance to which Nonconformists are subjected by the compulsory attendance of the registrar at their marriages, and the necessity for removing the same.
2. The Committee is of opinion that Mr. Atkinson's Bill is defective in that, while it purports to deal with the case of Nonconformists generally, it is confined to the case of Wesleyan Methodists; and, further this Bill provides no effective machinery for carrying its requirements into practical operation.
3. The Amendments proposed by the Attorney General are objectionable, for the following among other reasons:—
   (*a*) By providing that marriages under the proposed Bill shall only take place in churches belonging to Nonconformists who have a central governing church authority, inasmuch as this provision would deprive several large and important Nonconformist bodies of the benefits of the Bill.
   (*b*) The charges to be imposed upon the registration of Nonconformist ministers, who may desire to conduct marriages under the Act, are such as to impose a serious financial burden upon ministers or trustees; and such burdens are peculiarly onerous in the case of Wesleyan and other Methodist churches where the itinerant system prevails.
   (*c*) The conditions which require both the parties to an intending Nonconformist marriage to attend at the registrar's office, as a preliminary to the marriage, and in his presence to make certain declarations, is a peculiarly offensive, costly, and harassing regulation.
   (*d*) The penal clauses punishing Nonconformist ministers who infringe the Act are needlessly harsh and oppressive.

The Committee feels that the effect of the Amendments proposed by the Attorney General on behalf of the Government will be to aggravate the existing evil, and will tend to prevent Nonconformists being married in their own chapels.

4. The Committee is of opinion that the Amendments proposed by Mr. H. H. Fowler, being those which were contained in the Bill framed by the Committee in 1888, upon the instructions of the Wesleyan Conference, acting in concert with the committees representing other Nonconformist churches, should receive the united support of Wesleyan Methodists and other Nonconformists.

The Committee directs—

(*a*) That a petition embodying the above declarations shall be presented to Parliament by the Committee of Privileges in the name of the Wesleyan Conference.

(*b*) That a statement containing the views of the Committee should be forthwith printed, and sent to every Member of Parliament.

Trusting that you may be able to support Mr. H. H. Fowler's Amendments,

We are, sir,
Your obedient servants,
T. Tapley Short,
Robert W. Perks,
} Honorary Secretaries.

9 April 1891.

APPENDIX, No. 3.

PAPER handed in by Mr. *R. E. Matheson*, 16 June 1893.

LICENCE OF MARRIAGE BY REGISTRAR.

District of_____

LICENCE OF MARRIAGE.

7 & 8 Vict. c. 81—[Schedule E.]—and 26 Vict c. 27.

_____Registrar of the District of_____to_____

of_____and_____of_____

sendeth greeting.

Whereas ye are minded, as it is said, to enter into a contract of marriage under the provisions of Acts passed in the eighth and twenty-sixth years of the reign of Queen Victoria, intituled respectively "An Act for Marriages in Ireland, and for Registering such Marriages," and "An Act to amend the Law relating to Marriages in Ireland," and are desirous that the same may be speedily and publicly solemnized. And whereas you_____

_____have made and subscribed a declaration under your hand, that you believe there is no impediment of kindred or alliance or other lawful hindrance to the said marriage, and that_____ha_____had_____usual place of abode for the space of fifteen days last past within the district of_____and [*in cases where either party is under age, and not a widower or widow*], that_____under the age of twenty-one years, and that the consent of_____whose consent to_____marriage is required by law, has been obtained thereto [*or* that there is no person having authority to give such consent, *or, where a party so under age is a widower or widow*, that_____under twenty-one years of age, but_____a widower or widow, *as the case may be*].

I do hereby grant unto you full licence, according to the authority in that behalf given to me by the said Acts, to proceed to solemnize such marriage; provided that the said marriage be publicly solemnized, in the presence of two witnesses, within three calendar months from the (*a*)_____

in the (*b*)_____between the hours of eight in the forenoon and two in the afternoon.

Given under my hand, this_____day of _____one thousand eight hundred and_____.

_____Registrar.

(*a*) Here insert the *date of the entry in the* "Marriage Notice Book" of the Registrar.

(*b*) Here describe the building in which the marriage is to be solemnized.

Note.—Every marriage which takes place in a registered separate building "shall be solemnized by a minister of the Church, Denomination, or Body, to which the parties to the marriage, or either of them, shall belong." (26 Vict. c. 27, s. 7).

APPENDIX, No. 4.

PAPERS handed in by Mr. *John Temple*, 20 June 1893.

FORM No. 1.—(Parties residing in different Parishes or Districts.)

SCHEDULE C.

41 & 42 Vict. c. 43, ss. 9 and 17.

REGISTRAR'S CERTIFICATE.—(Pursuant to the "Marriage Notice (Scotland) Act, 1878.")

I,_____, Registrar of the Parish (or District) of_____ in the_____of_____, hereby certify that on the_____day of_____18___, (1)_____ duly gave Notice to me of h_____intended Marriage to (2)_____ that all the requirements of Law in respect of such Notice, so far as the said (3)_____ _____is concerned, have been complied with, and no objections stated. _____

Certified by me the said (4)_____ this_____day of_____18_____.

_____, Registrar.

(1) Name and surname, condition, rank or profession, and place of residence of person giving notice.
(2) Name and surname of the other contracting party.
(3) Name of person giving notice.
(4) Name of registrar.

FORM No. 2.—(Parties residing in the same Parish or District).

SCHEDULE C.

41 & 42 Vict. c. 43, ss. 9 and 17.

REGISTRAR'S CERTIFICATE.—(Pursuant to the "Marriage Notice (Scotland) Act, 1878.")

I,_____, Registrar of the Parish (or District) of_____ in the_____of_____, hereby certify that on the_____day of_____18____, (1)_____ and (1)_____ duly gave Notice to me of their intention to contract Marriage with each other, and that all the requirements of Law in respect of such Notices have been complied with, and no objections stated. _____

Certified by me the said (2)_____ this_____day of_____18_____.

_____, Registrar.

(1) Name and surname, condition, rank or profession, and place of residence of persons giving notice.
(2) Name of registrar.

FORM No. 1.—(Parties residing in different Parishes or Districts.)

SCHEDULE A.

41 & 42 Vict. c. 43, ss. 7 and 17.

NOTICE OF MARRIAGE.—(Pursuant to the "Marriage Notice (Scotland) Act, 1878.")

To the Registrar of the Parish (or District) of_____ in the County of_____.

I, (1)_____, give you Notice that I, and the other Person herein named, are about to contract Marriage (that is to say)—

NAME AND SURNAME.	Condition (2).	Rank or Profession.	Age (last Birthday).	Dwelling Place.	Parish (or District) and County in which Parties respectively Dwell.
and	—	—	—	—	—

And I solemnly declare that I believe there is no impediment of consanguinity or affinity, or of age or other lawful hindrance, to the said marriage, and that I have had my usual place of abode and residence for the space of fifteen days immediately preceding the date of this notice within the above-mentioned Parish (or District) of_____. And this I declare, knowing that if the declaration is false I expose myself to the penalties of perjury. In witness whereof I have hereunto set and subscribed my hand, this_____day of _____18_____. (3)_____.

Subscribed and declared by the above named in the presence of us, the undersigned householders in the above-mentioned Parish (or District), who declare that we believe the statements contained in this notice to be true.

(4)_____Witness.

_____Witness.

(1) Name of person giving notice. (2) Whether bachelor, spinster, widower, or widow.
(3) Signature of person giving notice. (4) Names and designations.

N.B.—This Schedule must set forth all the particulars indicated in regard, first, to the person giving the notice, and, second, to the person with whom the person giving the notice intends to contract marriage.

FORM No. 2.—(Parties residing in same Parish or District.)

SCHEDULE A.

41 & 42 Vict. c. 43, ss. 7 and 17.

NOTICE OF MARRIAGE.—(Pursuant to the "Marriage Notice (Scotland) Act, 1878.")

To the Registrar of the Parish (or District) of_____ in the County of_____.

We, (1)_____ and (1)_____, give you Notice that we, the persons herein named, are about to contract Marriage (that is to say)—

NAME AND SURNAME.	Condition (2).	Rank or Profession.	Age (last Birthday).	Dwelling Place.	Parish (or District) and County in which Parties Dwell.
and	—	—	—	—	—

And we solemnly declare that we believe there is no impediment of consanguinity or affinity, or of age or other lawful hindrance, to the said marriage, and that we have had our usual place of abode and residence for the space of fifteen days immediately preceding the date of this notice within the above-mentioned Parish (or District) of_____.

And this we declare, knowing that if the declaration is false we expose ourselves to the penalties of perjury. In witness whereof we have hereunto set and subscribed our hands, this_____day of_____18____.

(3)_____

_____

Subscribed and declared by the above named in the presence of us, the undersigned householders in the above-mentioned Parish (or District), who declare that we believe the statements contained in this notice to be true.

(4)_____Witness.

_____Witness.

(1) Names of persons giving notice. (2) Whether bachelor, spinster, widower, or widow.
(3) Signatures of persons giving notice. (4) Names and designations.

SCHEDULE B.

41 & 42 Vict. c. 43, ss. 8 and 17.

PUBLIC NOTICE.—(Pursuant to the "Marriage Notice (Scotland) Act, 1878.")

NOTICE has this day been received, at this Office, of Marriage as intended to be contracted between the following Persons; that is to say—

Between (1)_____

_____

and (1) _____

_____

All objections to certificates being granted authorising the celebration of this marriage must be lodged with the Registrar, in writing, within seven days from this date, by the objector, who must appear personally to declare to the truth thereof.

(2)_____18____. _____Registrar for the Parish (or District) of_____.

(1) Name and surname, condition, rank or profession, and place of residence of intending husband and wife respectively.
(2) Date of notice.

APPENDIX, No. 5.

PAPER handed in by Mr. *Thomas Temple*, 20 June 1893.

SCHEDULE OF MARRIAGE (C.).

Pursuant to 17 & 18 Vict. c. 80, s. 46, and 23 & 24 Vict. c. 85, s. 15.

When, where, and how Married. (1.)	Signatures of Parties. Rank or Profession, whether Single or Widowed, and Relationship (if any). (2.)	Age. (3.)	Usual Residence. (4.)	Name, Surname, and Rank or Profession of Father. Name, and Maiden Surname of Mother. (5.)	Signatures of officiating Minister and Witnesses. (6.)	When and where Registered, and Signature of Registrar. (5.)
1893 On the day of At After According to the forms of the					Witness. Witness.	18 At Registrar.

In all cases of regular marriage, upon production of certificate of proclamation of banns [or of publication of notice of marriage], a copy of Schedule (C) shall be procured by the contracting parties, previous to the solemnization of their marriage, *from the registrar of the parish (or district) within which it is intended to be solemnized*, and such registrar is bound, as far as possible, to fill up the said schedule. After all the requisite information, with the exception of the signatures, has been inserted, the schedule shall be produced, on the solemnization of the marriage, to the officiating minister, or to the person solemnizing any marriage according to the rites and forms observed by Jews and Quakers, or shall be filled up in the presence of such minister or other person, and thereafter shall be signed (1) *by the married parties* (2) *by the minister or other person officiating, and also* (3) *by not less than two witnesses (male or female) present at the marriage. When so filled up, the schedule shall be given to the married parties, who, within three days thereafter*, shall either deliver it or send it by post to the registrar of the parish (or district) in which the marriage was solemnized; and in case of failure to do so, the husband, and failing the husband the wife, shall be liable to a penalty not exceeding 10*l*. On being received by the registrar, the contents of the schedule shall forthwith be entered by him in the registers; and all such schedules shall be ultimately transmitted by the district examiner, along with the duplicate registers, to the Registrar-General, for preservation in the General Registry Office.

N.B.—In the 1st column of the schedule, the day of the month must be written in *words*, and the *place of marriage* distinctly specified, particularly in the case of towns. The signatures and various particulars relative to the husband and to the wife ought to occupy the *upper* and the *lower* portions of the other columns respectively. If either of the parties is unable to write, he or she must adhibit a cross (×) or other mark, beside which the officiating minister or some other person present shall insert the name of such party, followed by the words "his (or her) mark"; and all signatures by mark must be attested by two witnesses of at least 14 years of age, independently of the witnesses to the ceremony in Column 6. Thus:—

John Smith × his mark.

David Brown, Witness. *William Wilson*, Witness.

With the exception of the date, place, and form of ceremony, in Column 1, and the *signatures* in the 2nd and 6th columns, all the particulars may be entered in the schedule by any person authorised by the parties to do so; and the registrar of the parish (or district) within which the marriage is intended to be solemnized is required to fill up the said schedule, as far as possible. Where any of the parents do not survive, the word (*deceased*) should be added to their names. In entering professions and occupations, the precise nature of the employment ought to be described as specifically as possible, particular *branches* of work and business being distinctly expressed, and masters distinguished from journeymen and apprentices, &c..

Where any of the parties sign only the *Initials* of their Christian names, or where the signatures do not happen to be quite distinct, it is very desirable that the names should be inserted *in full* immediately below.

NAMES IN FULL.

Bridegroom _____

Bride _____

Minister _____

Witnesses _____

_____

Note.—It is of very great importance to the married parties that the schedule should be fully and accurately filled up; and in many cases much subsequent inconvenience might be avoided, were the officiating minister to make a point of ascertaining that the statutory provisions have been duly complied with, before the schedule is delivered to the married parties. The penalty for any false statement is transportation (now penal servitude), for not more than seven years, or imprisonment for not more than two years.

APPENDIX, No. 6.

PAPER handed in by the *Chairman*, 23 June 1893.

REGISTER OF MARRIAGE ERRORS.

RETURN showing for the Year 1891 the Number of Cases in which each of the following ERRORS and IRREGULARITIES occurs on the Certified Copies of Registers of Marriages deposited with the Registrar General by the Clergy of the Church of *Ireland*, of Presbyterian Meeting Houses, and of "Registered Buildings: (1) Entries unsigned by the persons Married, or by only one of them; (2) Entries unsigned by the witnesses of the Marriage, or signed by only one such witness; (3) Entries unsigned by the Clergyman officiating at the Marriage; (4) Signatures in the spaces for the Bride and Bridegroom by persons whose names are not those of the persons purporting to have been Married; (5) Entries which do not contain the Date of the Marriage; and (6) Entries which fail to show the place where the Marriage was performed.

NUMBER of Specified ERRORS and IRREGULARITIES discovered in the Certified Copies of Registers of Marriages for the Year 1891, deposited with the Registrar General by the Clergymen of the Church of *Ireland*, of Presbyterian Meeting Houses, and of "Registered Buildings."

	Church of Ireland.	Presbyterians.	Registered Buildings.	TOTAL.
1. Entries unsigned by the persons Married, or by one of them	8	10	1	19
2. Entries unsigned by the witnesses of the Marriage, or signed by only one such witness.	13	13	1	27
3. Entries unsigned by the Clergyman officiating at the Marriage	27	9	—	36
4. Signatures in the spaces for Bride and Bridegroom by persons whose names are not those of the persons purporting to have been Married.	—	—	—	—
5. Entries which do not contain the date of the Marriage	5	1	—	6
6. Entries which fail to show the place where the Marriage was performed.	38	27	8	73

In the Year 1891, 6,365 Marriages were solemnized, including 3,570 according to the Rites and Ceremonies of the Church of Ireland, 2,353 according to the Form and Discipline of the Presbyterian Church, and 442 according to the Usages of the various bodies whose Churches are classed as "Registered Buildings."

General Register Office, Charlemont House,
Dublin, 20 June 1893.

T. W. Grimshaw,
Registrar General.

APPENDIX, No. 7.

PAPER handed in by the *Chairman*, July 1893.

Archbishop's House, Westminster, S.W.,
10 July 1893.

Sir,

It is hardly necessary that I should add anything to the letter signed by the Catholic Archbishop and Bishops, bearing date 11 April 1866, and printed in the Appendix to the Report of the Royal Commission on the Laws of Marriage, 1868. Still, I should like to lay special stress on two points:

The first is the grievance of the many charges which bear very severely upon the poor, and are practically in many cases a great obstacle to the observance of the laws of morality.

The second is the advantage it would be were some mode devised, whereby all the preliminary enquiries as to an intended marriage were henceforth to be made by the clergy rather than by the Civil Registrar.

So far as the alteration of the law proposed by the present Bill (No. 44) is concerned, I consider it a decided gain in the direction which I think is in the public interest.

I have, &c.
(signed) *Herbert, Cardinal Vaughan.*
Archbishop of Westminster.

APPENDIX, No. 8.

PAPER handed in by the *Chairman*, 7 July 1893, and referred to in Appendix 7.

No. 40.—The Roman Catholic Archbishop and Bishops of England.

8, York-place, Portman-square, London,
11 April 1866.

My Lord,

We, the Catholic Archbishop and Bishops of England, who had each the honour of receiving a letter from your Lordship as Chairman of the Royal Commission on the Laws of Marriage, have thought it the most satisfactory course to defer our reply until our annual assembly in London, when we could best express our opinions in a joint letter, the result of our united deliberations.

Your Lordship invites our observations and suggestions upon the whole subject of the marriage contract (religious and secular), its proofs, its registration, and the preservation of the evidence respecting it; and you more particularly request the information we can furnish with respect to the practical operation of the present law in those places with which we are best acquainted, which information extends, in our case, to the whole Catholic community of England and Wales.

It becomes our first duty to acknowledge the consideration and the courtesy of your Lordship and the Royal Commission in giving us the opportunity of presenting our suggestions upon a subject in which we are so deeply concerned; and, after careful consideration, we have the honour of submitting to you the following observations:—

1. With regard to the general constitution of the Marriage Law as now in force in England, we find that in many respects it works well; but there are several points of detail, which we think are open to considerable amelioration.

2. We, of course, except the Divorce Court from favourable remark, as your Lordship will be aware that in the Catholic Church a valid marriage once fully constituted has ever been held to be indissoluble. With us the contract is not only a natural and a civil, but also a spiritual contract, and a sacrament, and so long as both parties to the contract are in life, neither of them is free to contract anew. This is not merely a point of our discipline, but an article of our faith and a fundamental maxim of our Christian morality.

3. With respect to the much debated question of marrying a deceased wife's sister, with us the impediment is diriment of marriage; but urgent cases will sometimes arise when the ecclesiastical authority finds it reasonable to remove the impediment by dispensation. And among the motives for such dispensations are the preventing of greater evils, the protection or reparation of character, the difficulty of forming another marriage, the consideration of children born, or that may be born, &c. And although cases of this kind are comparatively rare, we could wish to see the civil obstacles removed, which stand in the way of remedying what may prove to be grave matters of conscience.

4. As well for the sake of civil order as of morality, we consider that, as far as is consistent with securing correct information preliminary to the marriage contract, and with ensuring due evidence of the marriage contracted, it is of the utmost importance that every facility be given for celebrating marriage, and especially as far as the poorer classes are concerned. Unhappily, in these times, it frequently becomes expedient to celebrate a marriage as soon as it is practicable, for the sake of justice, for the protection of character, or on account of pregnacy intervening, and without speedy marriage, the woman may be in danger of being deserted, or abortion may be practised, or child murder, now so prevalent, may be had recourse to. Our police courts show again how many persons there are who live in concubinage, often having families; and this state of things arises not unfrequently, or continues, from unwillingness to face the intricacies and expenses of the registration office, preliminary to marriage. Such persons are often supposed to be married, as well by their children as by their neighbours; and then an obstacle to their marriage will arise from the publicity, which they dread by reason of the preliminaries, which the law requires. And although those preliminaries, required to be gone through with the registration office, with the clergy, and with the registrar of the marriage, may seem to present few difficulties to those who are familiar with their operation, yet to the uninstructed people coming into contact with them for the first time in their lives, they are intricate, perplexing, and give occasion to a great many mistakes, from which arise delays that harass and distress them, causing loss of their time, which the labouring people cannot command, loss of their work, perhaps even loss of their employment. In country places, where the people are farther away from those who could advise them, from the registration office, and from the church, these obstacles of marriage are proportionately increased.

5. Our clergy find the present system of choice left open between marrying at the church or at the registration office to be open to the following abuse. Persons who have some grave impediment, of which one or both are conscious, for example, that of a prior marriage, the having a husband or wife living, it may be in Ireland, in America, or in some distant part of the country, such persons will shun the church, knowing the facilities which the clergy have for discovering the facts and the further facilities presented in the publication of banns in church; and they will have recourse to the registration office for celebrating their marriage, well aware that there they have but little chance of detection. Occasionally they will go to a registration office at a distance, and even assume fictitious names. For the same motive of escaping detection, and for another which will be stated presently, some Catholics will likewise go to the Established Church to celebrate their marriage.

But the final result is this: On later reflection, they do not believe in their marriage, they know that, either legally, spiritually, or on both these grounds, the contract is invalid; and they either live miserably, or separate, or one abandons the other. In such cases it is not an unrare event for one of the parties to emigrate, to escape at once the twofold difficulty of the invalid marriage and of the law.

6. We find the double fee a great obstacle to conscientious marriage; that is, to marriage in the church, which alone satisfies the conscience of Catholics; and not unfrequently this obstacle will keep persons living on in a state of concubinage.

It is but just, however, to observe, that this obstacle is not occasioned by the clergy, for not only are fees to them quite voluntary, but in some fourth of the cases they receive no fee whatever; and in the average, where the poorer classes are concerned, not more than from one to two shillings are paid them. Indeed, instances are not so very rare, where, to save the persons concerned from an immoral life, the clergy have themselves paid the registration fee.

But the fee of 5*s.* to the registration office and of 2*s.* to the registrar of the marriage have their weight with the poor, and especially at a time when they are incurring other and unusual expenses; and moreover, they are ashamed if they cannot offer something also to their clergy, who, in their estimation, and it is a reasonable one, have had the chief trouble with their marriage; who have had to make all the due inquiries, who have perhaps had to correspond for them to a distance, who have had to instruct them and to prepare them for the sacraments preliminary to that of marriage, and who often besides have to instruct and guide them, or to rectify their mistakes, with respect to the rules of registration.

These remarks will make it obvious to your Lordship why the double fee operates as an obstacle to marriage.

7. But this obstacle becomes much more serious in marriages of conscience, especially where persons have been living for years in a state of concubinage, where a family has come in consequence, and where the fact of their being unmarried is unknown. In such cases it is of the greatest importance that marriage be made as easy of celebration as possible, so that the first good disposition that can be awakened in the offenders may be taken advantage of. But here, again, besides the perplexities which seize upon the imagination of the poor touching the intricacies of the preliminaries, and besides the consideration of the cost, another and a graver difficulty arises, and that is the dread of publicity occasioned by the intervention of two officials besides the clergy.

8. In some instances, the difficulty of teaching the uneducated poor to attend to the preliminary notification of their marriages arises from the fact that in one of our ecclesiastical districts or congregations, two registration districts may be wholly or partially included; and it is hard to make the parties wishing to be married understand that they cannot deal with the same registrar before whom their friends and relations living in the same neighbourhood and under the same priest, and attending the same registered church, have arranged their marriage.

9. For the reasons explained under the five preceding heads, your Lordship and the Royal Commission will not fail to be impressed with the exceeding importance of removing, in all practicable ways, the obstacles which at present stand in the way of ensuring the validity of marriages. And, in so far as Catholic marriages are concerned, after the most careful consideration of the question, we are of opinion that the most effectual remedy for most of the difficulties above alleged, would be to constitute the Catholic clergy the legal witnesses of the marriages celebrated by them, as is the case with the clergy of the Established Church, with the secretaries of the Jewish synagogues, and with the clergy of the Catholic Church in Ireland.

Your Lordship cannot be unaware how strict the clergy of the Catholic Church are in whatever concerns the laws of marriage, and how vigilantly the execution of those laws is watched over by their prelates. It is this strictness and vigilance which furnish the best guarantee against illegal or invalid marriages being celebrated in our churches. Moreover, as so large a portion of our flocks belong to the migratory portion of the population, our clergy need and have facilities at their disposal for making preliminary inquiries in almost any part of the world, which gives them great advantages in guarding against deception.

10. We may further observe that the rites and forms used in the Catholic Church are identical with those of the Established Church, and that the form of contract repeated before the registrar is essentially the same as that which has been already uttered in the religious rite; and this repetition to the registrar of what has been already declared to the clergyman, is apt to have a ludicrous effect, without any comprehensible reason for it.

11. Cases arise where a marriage is valid in civil law, but null and void in face of the Church. In such cases the consciences of the contracting parties have to be satisfied. The law has removed this difficulty in cases where the marriage has been celebrated in the registration office, but not where the marriage has been performed in the Established Church. Thus, whilst an Anglican clergyman is safe from penalities in renewing a marriage celebrated by us, a Catholic priest incurs felony for renewing a marriage celebrated in the Established Church, however necessary it may be for the relief of consciences. We therefore request to draw your Lordship's attention to this hardship, confident that no practical objection can exist against the equalization of the law.

12. With respect to the registration of churches and chapels, the present law requires 12 months' previous notice, the declaration of 20 householders, and a fee of 3*l.* Upon these regulations we have to observe that it is not unfrequent that some new work, mine, manufacture, or other enterprise, suddenly brings together a number of Catholic workmen with their families, who have to be provided with a place of worship and a school, and who have to support a clergyman all out of their own industry, and by the joint contribution of small offerings. In these cases, not to speak of others, it is sometimes almost impossible to find 20 Catholic householders. The place of worship erected is required as soon as practicable for marriages, for the nearest Catholic place of worship may be at a considerable distance, and the fee of 3*l.* becomes an item of some consideration, where everything has to be provided from the pence of the people.

13. We would also suggest that in chapels attached to camps, *e.g.*, Shorncliffe or Aldershot, where none of the congregation are householders, the chapel be allowed to be registered on the certificate of the Secretary of State for War, that the chapel is used for Divine Service.

Respectfully recommending these suggestions to the kind and impartial consideration and eminent legal knowledge of your Lordship and the Royal Commissioners,

We beg to remain, My Lord,
Your obedient humble servants,

✠ *Henry Edward Manning.*
✠ *Thomas Joseph Brown.*
✠ *William Bernard Ullathorne.*
✠ *Thomas Grant.*
✠ *William Turner.*
✠ *James Brown.*
✠ *Alexander Goss.*
✠ *William Vaughan.*
✠ *William Clifford.*
✠ *Francis Kerril Amherst.*
✠ *Ricardus Roskell.*
✠ *Robert Cornthwaite.*

The Lord Chelmsford,
President of the Royal Commission on the Marriage Laws.

I N D E X.

[*N.B.*—In this Index the Figures following the Names of the Witnesses, and those in the Analysis of Evidence of each Witness, refer to the Questions in the Evidence; the Figures following *App.* refer to the Pages in the Appendix; and the Numerals following *Rep.* to the Pages in the Report and Proceedings of the Committee.]

A.

ACTS OF PARLIAMENT:

Form of license of marriage by registrar, under the provisions of the Acts 7 & 8 Vict. c. 81 (Schedule E.) and 26 Vict. c. 27; *App.* 163.

Schedules of marriage pursuant to the Acts 17 & 18 Vict. c. 80, 23 & 24 Vict c. 85, and 41 & 42 Vict. c. 43; *App.* 164-168.

Agnew, Stair. (Analysis of his Evidence.)—Witness, as Registrar General for Scotland, explains that the Marriage Notice (Scotland) Act, 1878, merely made an addition to the preliminaries to regular marriages and was passed at the instance of the Dissenters; grounds for the opinion that the Act has operated well, 2236-2257. 2269-2272—— Statement that after the marriage has taken place the schedules are, as a rule, returned to the registrar with great regularity, properly filled up, 2258-2263.

Belief that the present marriage registration system meets with the approval of the Scottish public, irregularities in connection with the registration being very rare, 2264-2268. 2273-2284——General agreement of witness with the evidence given by Mr. Temple, 2285-2287.

ATTENDANCE OF REGISTRAR:

Detailed explanation as to the steps necessary for the solemnisation of marriage in a Nonconformist chapel; obligation upon the registrar or his deputy to attend on notice of the marriage being given to him, *Whitaker* 90-107. 150-165——Conviction of the Registrar General's Department that any change whereby a registrar would not be required at Nonconformist marriages would be greatly detrimental to registration; opinion that any change should be in the opposite direction, and should require the presence of a registrar at all marriages, *ib.* 193 *et seq.*; 237. 238-241.

General feeling among Nonconformists that the plan suggested in Mr. Perks' Bill, under which the registrar authorises some one else to be present for him at the marriage, would be satisfactory; admission that the registrar's duties would be more difficult under the proposed arrangement, *Shepheard* 279, 280. 289-327. 353-358. 380-387. 410-424.

Contention that public registrars should be excluded from Wesleyan chapels at marriages, the minister being allowed to perform and register the marriage; personal feeling of witness that if registrars are continued in Nonconformist chapels they should also attend at marriages in churches, *Waller* 585-587. 623-645. 688.

Decided objection to the presence of any gentlemen representing the civil power at marriages in Dissenting chapels; proposal that every minister who performs the marriage ceremony should be authorised to carry out and complete the registration of it, *Myers* 831-856. 862-866. 901-907.

General desire of the Wesleyan Methodists that their marriage service should be independent of any civil control, the registration to be merely the record of the marriage; explanation that there is no wish to impose a registrar on the Church, the object being solely to put Nonconformists and Churchmen on an equality, *Slack* 1029. 1031-1042. 1049-1057. 1088-1094. 1129-1177.

Opinion that the presence of a public registrar at marriages is not essentially necessary to a correct registration, and that there is no reason why the Nonconformist bodies in England should not have the same privileges as those in Ireland, *Matheson* 1359-1361.

Report, 1893—*continued.*

ATTENDANCE OF REGISTRAR—continued.

Decided opinion that it is so important to have an accurate registration, that the present system should be extended, and all marriages be celebrated in the presence of a registrar; disapproval of a good system being abandoned for a dangerous one, *Rutherglen* 1681–1688. 1693. 1710. 1749–1756. 1831–1834——Non-objection to the proposal that the registrar, instead of hearing the statutory declaration, should be in the vestry to register the marriage, his registration being made the necessary part of the whole ceremony, *ib.* 1877–1879.

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Inequality as to the time required to elapse before a marriage can take place, it taking twenty-nine days to obtain a certificate or license for a marriage in a chapel, while sixteen days is considered enough in the Established Church, *Shepheard* 281, 282.—— Attention drawn to the fact that when a license is issued by a bishop, the marriage can take place at once, but that when issued by a superintendent registrar one complete day must elapse *ib.* 282-285.

Instances of the inconvenience and delay caused by registrars arriving late, or omitting to attend; although formal notice as to the time and place of the marriage had been given; also of negligence on the part of registrars and of marriages not being legally performed through their default, *Waller* 547–558.

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Non-receipt by witness of any complaint of non-attendance although some 5,000 marriages have taken place at Nonconformist places of worship and Register offices during the nine years he has been superintendent registrar; he has no personal knowledge of Nonconformist objection to the presence of the registrar, *Rutherglen* 1681 *et seq.*; 1702. 1749–1762.

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F.

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Recommendation by the Committee that the fees of 5*s.* and 10*s.* should cease to be paid when the registrar does not attend at a marriage, *Rep.* viii, ix.

Recommendation, generally, that the fees payable in connection with Nonconformist marriages shall be so adjusted, and, if necessary, reduced in amount, as to secure as far as practicable a uniform charge in the case of marriages conducted in Nonconformist places of worship with the fees payable on marriages in the Established Church, *Rep.* ix.

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Roberts, George. (Analysis of his Evidence.)—Witness is registrar of marriages, and also of births and deaths, at Wakefield; represents the Yorkshire Registrars' Association, 2347-2351. 2381.

Opinion that the present registration of marriage system is incomparably the best that has yet been devised; belief that the only objection to it among Nonconformists is the inequality between their position and that of members of the Church of England, 2352-2360. 2372. 2405-2425. 2434-2449——Evidence to the effect that on examination of a recent Church register witness found 212 errors, of various descriptions, besides seven erasures, and that he found several mistakes in other Church registers, 2362-2371.

View of witness that the registration would not be improved by the adoption of Mr. Perks' Bill; suggestion that the registrar should attend at all marriages, not at the service, but as a clerk in the vestry, to make the necessary entry, 2373-2377. 2390-2404. 2426-2431. 2436-2441. 2455-2468—— Recommendation, as an alternative, that Nonconformist ministers should be allowed to register their own marriages; opinion that almost any system is better than that proposed in the Bill, 2378, 2379. 2397-2404. 2431.

Claim of the registrars to compensation if any change detrimental to their interests is made; non-provision in the Bill for any remuneration for their duties if their attendance at the marriage is not required, 2380. 2382-2389. 2432-2434—— Conclusion that there is no reason why all registrars of births and deaths should not also be registrars of marriages, 2414, 2415——Necessity of maintaining the registration of all buildings wherein marriages can be celebrated, and of the fee of 3*l.* being retained, 2447-2454.

Rogers, Rev. James Guinness. (Analysis of his Evidence.)—Witness is a Congregationalist at Clapham, and attends at the request of the General Purposes Committee of the Congregational Union, 2768-2774. 2782-2785.

Personal experience of witness that the registrars are civil, accommodating, and punctual; belief, however, that the presence of the registrar is obnoxious to the laity as well as to the ministers, especially in the scattered rural districts, 2775-2777. 2786-2791. 2797-2802. 2818-2823——Absence of any desire on the part of Congregationalist ministers to be registrars; view of witness that registration is a purely civil function, and should be discharged by a civil officer, 2777-2779. 2792-2798. 2803.

Personal opinion that, if there is to be any remedy for the grievances felt by Nonconformists, there is no system open to fewer objections than that proposed in Mr. Perks' Bill, 2779-2781. 2796. 2804 *et seq.* 2821——Desirability of the registrar or superintendent registrar being made more distinctly and solely responsible, under the Bill, for getting the return of the certificate; preference of witness for a system under which the marriages would be entered in a register kept at the chapel, instead of on fugitive pieces of paper, 2804-2808.

Improbability of any bogus or irregular marriages being celebrated in Congregational chapels, 2809-2812. 2835-2840——Non-concurrence of witness in the opinion expressed by Mr. McDougall that a Nonconformist minister officiating at a marriage acts as a State official, 2813. 2824-2834——Undesirability of perpetuating admitted grievances until some sweeping change takes place, as recommended by Mr. McDougall, 2814-2817.

Roman Catholics. Information as to the existing state of the law in Ireland with regard to marriages among Roman Catholics, their churches not being required to be licensed for marriage nor a registrar to be present at the ceremony; witness is not cognisant of any mischief arising from the freedom allowed, *Matheson* 1188-1230. 1307——Strong opinion, however, that the system for the registration of Roman Catholic marriages is very unsatisfactory from a registration point of view; irregularities chiefly due to default on the part of the husband, *ib.* 1205, 1206. 1236 *et seq.* 1266-1271. 1284-1287. 1355 *et seq.*

Suggestion that in order to remedy the defects in the registration of Roman Catholic marriages a uniform system of registration by duplicate register, like that under the Act of

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of 1863 should be adopted; advisability of the infliction of penalties in cases of neglect and omission to register, *Matheson*, 1355–1358.

Occurrence, especially in Roman Catholic churches, of cases in which the statutory words, essential to the marriage, have been uttered in the vestry after the ceremony; no practical difficulty if the law were altered so that those words could always be uttered in the vestry in the presence of the registrar, *Townley* 1915–2007.

Letter, dated 11th April 1866, from the Roman Catholic Archbishop and Bishops of England, submitting sundry suggestions for the consideration of the Royal Commission on the Marriage Laws, *App.* 171, 172.

Letter from Cardinal Vaughan, dated 10th July 1893, submitting suggestions on certain points, *App.* 170.

Rural Districts. Great inconvenience caused in country districts by the registrar often living far away from the chapel, necessitating a troublesome journey to arrange preliminaries to the marriage, and frequently causing the registrar to be late at the marriage, *Shepheard* 247–263. 335–341. 435 *et seq.*

Opinion that the existing marriage law operates very hardly on Nonconformists, especially upon the labouring classes in rural districts; instances of the inconvenience to which wedding parties have been put in consequence of the unpunctuality or non-arrival of the registrar, *Slack* 762–786—Disapproval of the idea of throwing open the performance of the ceremony and registration of marriage to anyone without limit; belief that it would be sufficient to entrust it to ministers only, except in the rural districts, where a certain number of lay preachers might be included as authorised persons, *ib.* 1043–1048. 1158–1166.

No doubt that if all registrars of births and deaths were also registrars of marriages there would be less difficulty in their keeping their engagements in country districts; belief, however, that such a change would cause the remuneration to be too small to induce capable men to undertake the duty, *Rutherglen* 1737–1739 ——Evidence to the effect that the difficulties caused in some rural districts by the registrar living so far away might be met by increasing the number of registrars and superintending registrars, *Hasler* 2540–2543.

Necessity of marriages at chapels being celebrated in the presence of the registrar of the district in which the chapel is situated, *Sir B. P. Henniker* 2891.

Conclusion of the Committee that serious inconvenience and considerable expense are now imposed upon Nonconformists, especially in rural districts, owing to the distance of the offices of the registrars, *Rep.* ix.

Rutherglen, John Henry. (Analysis of his Evidence.)—Witness is superintendent registrar of the district of Kensington; gives evidence on behalf of the Association of Union Clerks of England and Wales, of which he is president this year, 1652–1654. 1807–1812.

Statement that the two points upon which witness has been specially requested to give information are the pecuniary effect that any proposed alteration of the law would have on the registration officers, who number nearly 2,000, and the serious consequences that would result from a retrograde movement in regard to registration, 1653 *et seq.*—— Grounds for the opinion that the alterations proposed through Mr. Perks' Bill would not tend to the accuracy and certainty of registration; reasons for the belief that the registrar would hardly ever be asked to be present at marriages, 1656. 1763–1784. 1844–1848. 1853–1877. 1890–1897.

Contention that as there is no security in the Bill for the return of the certificate to the proper registrar to be registered, there would not be in later years any proof whatever of the marriage, 1658–1661. 1720, 1721. 1740–1746. 1763, 1764. 1813 *et seq.*—— Apprehension that under the system set forth in the Bill a designing man might give notice to the registrar, get his certificate, and then persuade the woman that that was all that was necessary to constitute a marriage, 1661–1669. 1722–1736.

Attention drawn to the confusion in the Bill as regards the duties of registrars and superintendent registrars, 1670, 1671——Submission that as the very great reduction and alteration of fees proposed by the Bill would deprive both superintendent registrars and registrars, after many years' service, of their reasonable remuneration, some compensation ought to be provided for them; assertion that the great bulk of the work would still have to be done, but that there would be no payment for it, 1672–1680. 1755, 1756. 1800–1806. 1819–1834.

Non-receipt by witness of any complaint of non-attendance although some 5,000 marriages have taken place at Nonconformist places of worship and Register offices during the nine years he has been superintendent registrar; he has no personal knowledge of Nonconformist objection to the presence of the registrar, 1681 *et seq.* 1702. 1749–1762 ——Decided opinion that it is so important to have an accurate registration that the present system should be extended and all marriages be celebrated in the presence of a

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Rutherglen, John Henry. (Analysis of his Evidence)—*continued.*

registrar; disapproval of a good system being abandoned for a dangerous one, 1681–1688. 1693-1710. 1749-1756. 1831–1834.

Evidence to the effect that in the records of 75,749 Church of England marriages examined there were no less than 14,266 errors discovered, as well as numerous irregularities; probability that registration by Nonconformist ministers and others would be quite as imperfect and unsatisfactory, 1688–1719. 1785–1802. 1816–1839. 1853–1877——Explanation that the errors of registrars, referred to by Mr. Whittaker, were not made in the original registers but only in the copies which are sent to Somerset House, 1696-1700.

No doubt that if all registrars of births and deaths were also registrars of marriages there would be less difficulty in their keeping their engagements in country districts; belief, however, that such a change would cause the remuneration to be too small to induce capable men to undertake the duty, 1737–1739——View of witness that the most perfect ideal in regard to registration would be to have all marriages civilly registered, superadding afterwards any religious form that the parties might desire; admission that this is hardly practicable at present, 1747–1754. 1840–1843.

Opinion that if the registrar is taken out of the chapel the best course would be to make the duly authorised Nonconformist minister the registrar, as the clergyman is; difficulty, however, in dealing with those sects that have no duly authorised ministers, and with the issue of licences for speedy marriages, 1849–1859. 1880–1897——Non-objection to the proposal that the registrar, instead of hearing the statutory declaration, should be in the vestry to register the marriage, his registration being made the necessary part of the whole ceremony, 1877–1879.

S.

SCOTLAND:

Witness, who is registrar in one of the five districts of the City of Edinburgh, has been deputed to attend by the Registrar General, on account of his long experience, *Temple* 1430. 1516–1520. 1545–1547. 1619. *et seq.* 1642–1648.

Explanation of the system in operation in Scotland for the registration of marriages, a schedule having to be obtained from the Registrar and signed by the contracting parties, the officiating minister, and not less than two witnesses; the marriage may be celebrated at any time or place, *Temple* 1431–1446. 1454 *et seq.* 1521–1523. 1578–1581. 1593-1599.

Evidence to the effect that the only payment in connection with a marriage in Scotland is 2*s.* 6*d.* for proclamation or publication of banns; cost of an extract from the book, when wanted, 2*s.* 1*d.*, *Temple* 1444–1446. 1552-1567 —— Opinion that the Scottish marriage registration system is very efficient and satisfactory, and works very smoothly, there being very few errors or irregularities; action taken by the registrars in cases of neglect or inaccuracy, *ib.* 1447–1453. 1481–1506. 1524. 1541–1544. 1550, 1551. 1582-1592. 1612–1618.

Establishment of civil marriages in Scotland under Lord Brougham's Act of 1856, *Temple* 1456–1461——Uncertainty in the law as to who is authorised to conduct a marriage; limitation of the power generally to recognised ministers and persons in regular charge of a congregation, *ib.* 1456–1471. 1507–1520. 1568-1577. 1604–1611. 1649–1651——Information as to the various ways of contracting irregular marriages in Scotland, such marriages being very numerous; absence of any law to compel persons irregularly married to register, *ib.* 1472-1480. 1534–1538. 1548–1550. 1600–1603. 1626–1633.

Power under the Act of 17 & 18 Vict. c. 80, of persons intending to contract marriage to require the presence of the registrar, on giving the necessary notice and paying the prescribed fees; rarity, however, of the use of this power, *Temple* 1525–1533——Statement that the marriage registration system described by witness applies to all churches and all denominations; necessity of Roman Catholic marriages being proclaimed in the parish church as well as in the Roman Catholic church, *ib.* 1539, 1540. 1572, 1573. 1634–1641.

Evidence to the effect that the Marriage Notice (Scotland) Act, 1878, merely made an addition to the preliminaries to regular marriages, and was passed at the instance of the Dissenters; opinion that the Act has operated well, *Agnew* 2237–2257. 2269-2272—— Statement that after the marriage has taken place the schedules are, as a rule, returned to the registrar with great regularity, properly filled, *ib.* 2258–2263.

Belief that the present marriage registration system meets with the approval of the Scottish public, irregularities in connection with the registration being very rare, *Agnew* 2264-2268. 2273-2284—— General agreement of witness with the evidence given by Mr. Temple, *ib.* 2285–2287.

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Form of registrar's certificate (Scotland) in the case of parties residing in different parishes or districts, *App.* 164——Form of certificate where the parties are residing in the same parish or district, *ib.*

Form of notice of marriage where the parties are residing in different parishes, or districts, *App.* 165——Form of notice where the parties reside in the same parish or district, *ib.*——Form of public notice, pursuant to the Marriage Notice Act of 1874, *ib.* 165.

Summary of evidence as to the operation of the marriage law in Scotland; strong feeling that the registrar should be dispensed with, *Rep.* vi.

Shepheard, Alfred James. (Analysis of his Evidence.)—Witness attends as the Secretary of the Protestant Dissenting Deputies, an old body, made up of representatives of Presbyterians, Independents, and Baptists, which has for many years taken an interest in the marriage question, 242, 243.

Widespread dissatisfaction amongst the Nonconformist bodies with the present system of registering marriages; enumeration of their grounds for complaint, in connection therewith, 244 *et seq.* 359 *et seq.* 402 —— Great inconvenience caused in country districts by the registrar often living far away from the chapel, necessitating a troublesome journey to arrange the preliminaries to the marriage, and frequently causing the registrar to be late at the marriage, 247-263. 335-341. 435 *et seq.*

Instances of the serious annoyance caused to wedding parties and their friends by the non-attendance of the registrar; personal knowledge of witness as to about twenty cases of negligent delay on the part of registrars during the last three years, 263-270—— Statement that the fees for the notice and certificate and for the registrar's attendance, amounting in all to 7*s.*, are regarded as a very serious item by poor people; disadvantageous position of chapels as compared with churches, where marriages can be solemnised free of charge, 271-273. 328-331. 342-345. 389-394. 399, 400.

Exception taken to the conduct of some of the registrars at the ceremony; belief that the greater number of cases of irritating or officious conduct of registrars have not been reported to the superintendent registrar, 274-276. 438-448——Inequality of the positions of Nonconformist ministers and of clergymen of the Church of England; assertion that the grievance is not merely sentimental, but is a very practical one, 277. 332-334. 346-352. 388. 401. 425-434.

Contention that if the State considers it necessary that a registrar should attend at marriages, it should provide that official at its own expense, as recommended by the Royal Commission in 1868; 278——Suggestion that the difficulties in regard to making appointments and the conduct of the registrars might be met by a larger number of registrars being appointed and a more complete superintendence on the part of the Registrar General, 278, 279. 435 *et seq.*

Opinion that the institution of civil marriages in this country would not be a practical form of relief, as a religious ceremony is regarded as necessary by a large majority of the people, 279. 367-379——General feeling among Nonconformists that the plan suggested in Mr. Perks' Bill, under which the registrar authorises someone else to be present for him at the marriage, would be satisfactory; admission that the registrar's duties would be more difficult under the proposed arrangement, 279, 280. 289-327. 353-358. 380-387. 410-424.

Inequality as to the time required to elapse before a marriage can take place, it taking twenty-nine days to obtain a licence for a marriage in a chapel, while sixteen days is considered enough in the Established Church, 281, 282——Attention drawn to the fact that when a licence is issued by a bishop the marriage can take place at once, but that when issued by a superintendent registrar one complete day must elapse, 282-285.

Continuous gradual rise in the number of marriages in Nonconformist places of worship, including Roman Catholics, and at registrar's offices since 1842, the marriages in the Established Church having correspondingly decreased; reference to statistics on the subject in the registrar's report for 1891; 286—— Contention that, in view of the increase of marriages in Nonconformist chapels, more facilities for such marriages should if possible be given, 286.

Submission by witness of a copy of the marriage law of New South Wales; belief that the marriage laws are the same throughout Australia, 287, 288. 409——Suggestion that, if greater safeguards are required under Mr. Perks' Bill, the certificate could be given to an individual by name, instead of being issued in general terms; belief, however, that the name of the officiating minister on the registrar's notice would not be generally approved of, 313-327. 353-358. 395-398——Desirability of the provision in regard to the attendance of the registrar at marriages being made optional, 403-408.

Shepherd, James. (Analysis of his Evidence.)—Witness is one of the registrars in Southport, Mr. Platt being the other, 2160-2162.

Assertion, with regard to the complaint of witness' non-attendance at Miss Ellerby's marriage twelve years ago, that no notice of the day or hour fixed for the ceremony was

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Shepherd, James. (Analysis of his Evidence—*continued.*

given, 2163 *et seq.* 2217, 2218——Explanation of the system adopted for years by witness to prevent any mistakes as to the times fixed for marriages, everything being carefully noted at the time notice is given, 2187–2193. 2219–2227.

Evidence to the effect that in the case of witness' non-attendance, mentioned by Mr. Myers, the wedding had been timed to take place before the twenty-one clear days required by law had elapsed, and that the marriage took place next day, 2193–2216—— Frequency of cases in which a mistake is made in regard to the twenty-one days that have to elapse after notice is given; practice of witness to call on the parties and set them right, 2190–2199. 2219–2227.

Statement that during the thirty years that witness has held his present office he has never once failed to attend punctually at the time fixed for the wedding, 2228–2234—— No reason, so far as witness can see, why registrars of births and deaths should not be registrars of marriage also and be competent to attend at the ceremony, 2235.

Slack, John Bamford. (Analysis of his Evidence.)—Witness is a solicitor practising in London; has been deputed to attend by the London Wesleyan Methodist Council, the most representative Methodist body in London, 757–761.

Opinion that the existing marriage law operates very hardly on Nonconformists, especially upon the labouring classes in rural districts; instances of the inconvenience to which wedding parties have been put in consequence of the unpunctuality or non-arrival of the registrar, 762–786——Statement that the Methodist Council and the Second London District Synod have both recently passed resolutions strongly supporting Mr. Perks' Bill, 785.

[Second Examination.]—Evidence to the effect that a marriage in the Church of England is valid even though no record of it should be kept, but that a marriage in a dissenting chapel would not be valid if the registrar were not present; information hereon relative to the changes that have taken place in the marriage law, 970–1002. 1080 *et seq.* 1110–1115. 1122–1128. 1139–1177——Cordial approval of Mr. Perks' Bill (doing away with the attendance of the registrar at marriages at Nonconformist places of worship), by the annual meeting of the Wesleyan Methodist Local Preachers' Mutual Aid Association, 1002–1020. 1078, 1079.

Particulars of cases in which great inconvenience has been caused by the unpunctuality or non-attendance of registrars at marriages in chapels; further information relative to the cases given in witness' previous evidence, 1019–1028. 1075 *et seq.*—— General desire of the Wesleyan Methodists that their marriage service should be independent of any civil control, the registration to be merely the record of the marriage; statement that there is no wish to impose a registrar on the Church, the object being solely to put Nonconformists and Churchmen on an equality, 1029. 1031–1042. 1049–1057. 1088–1094. 1129–1177.

Objection to the stigma of pauperism attending marriages that have to be announced at the office of a superintendent-registrar who is also the clerk to the board of guardians, 1029——Serious inconvenience caused by the law requiring personal notice of marriage to be given at the superintendent-registrar's office, a labouring man having sometimes to lose a day's wage and make a ten or twelve mile journey to give notice; advisability of there being facilities for giving notice, and for the marriage, in every locality, 1029. 1116–1118.

Objection to the law providing that the marriage must take place within the district of residence of one of the parties to be married, 1029——Opinion that there are so few complaints of the inconvenience suffered through the late attendance or non-attendance of registrars because the people who are inconvenienced are generally too poor to afford the time or money to take proceedings, and that people after they are married do not care to have any further trouble in the matter, 1030. 1075–1077.

Ability of the Wesleyan Methodist ministers and lay preachers to do the registration work as well or better than a considerable number of the clergymen of the Church of England do it; conclusion that the legal safeguards in Mr. Perks' Bill are sufficient to secure a perfect system of registration, 1032–1035. 1058–1074. 1095–1115. 1158–1166 —— Disapproval of the idea of throwing open the performance of the ceremony and registration of marriage to anyone without limit; belief that it would be sufficient to entrust it to ministers only, except in the rural districts, where a certain number of lay preachers might be included as authorised persons, 1043–1048. 1158–1166 —— Expediency of the State undertaking the costs of registration, which are now met by fees, 1119–1121.

Society of Friends. Experience of witness that the records of Quaker marriages have been particularly well kept in former years, *Whitaker* 178–183.

Explanation as to the method of proceeding in the case of persons wishing to be married at a meeting of the Society of Friends; presence of the Friends' registrar, who is an acknowledged official and registers the marriage, *Ellis* 449 *et seq.* 491–504—— Belief that the accuracy and efficiency of the Friends' registers are due to the fact that throughout

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throughout the society there are many well educated and business men who will do the work free, *Ellis* 456–464. 488–490. 505-508.

Statement that the only cost in connection with the marriage is the 2*s.* which is paid to the Friends' registrar, *Ellis* 469, 470—Attention drawn to the fact that the marriage ceremony of the Friends is part of the marriage law of the land, the registration system being in exact accordance with that which exists in the Established Church, *ib.* 471–484. 504.

Opinion that the question as to whether other Nonconformist bodies should be entitled to the privileges as regards registration of marriages possessed by the Society of Friends depends upon whether they have suitable persons to fulfil the duty, *Ellis* 485–487. 508—Personal feeling of witness that the Friends would not object to the presence of a public registrar at their marriages, *ib.* 499-504.

Superintending Registrars. Attention drawn to the confusion in the Bill as regards the duties of registrars and superintendent registrars, *Rutherglen* 1670, 1671.

See also ***Registrars.***

T.

Temple, Thomas. (Analyis of his Evidence).—Witness is registrar in one of the five districts of the City of Edinburgh ; on account of his long experience has been deputed to attend by the Registrar General, 1430. 1516–1520. 1545–1547. 1619 *et seq.* 1642–1648.

Explanation of the system in operation in Scotland for the registration of marriages, a schedule having to be obtained from the registrar and signed by the contracting parties, the officiating minister, and not less than two witnesses ; the marriage may be celebrated at any time or place, 1431–1446. 1454 *et seq.*; 1521–1523. 1578–1581. 1593–1599 —— Evidence to the effect that the only payment in connection with a marriage in Scotland is 2*s.* 6*d.* for proclamation or publication of banns; cost of an extract from the book, when wanted, 2*s.* 1*d.*; 1444–1446. 1552–1567.

Opinion that the Scottish marriage registration system is very efficient and satisfactory, and works very smoothly, there being very few errors or irregularities; action taken by the registrars in cases of neglect or inaccuracy, 1447-1453. 1481–1506. 1524. 1541–1544. 1550, 1551. 1582–1592. 1612-1618 —— Establishment of civil marriages in Scotland under Lord Brougham's Act of 1856; 1456–1461.

Uncertainty in the law as to who is authorised to conduct a marriage; limitation of the power generally to recognised ministers and persons in regular charge of a congregation, 1456–1471. 1507–1520. 1568–1577. 1604–1611. 1649–1651 —— Information as to the various ways of contracting irregular marriages in Scotland, such marriages being very numerous; absence of any law to compel persons irregularly married to register, 1472–1480. 1534–1538. 1548–1550. 1600–1603. 1626–1633.

Power, under the Act of 17 & 18 Vict. c. 80, of persons intending to contract marriage to require the presence of the registrar, on giving the necessary notice, and paying the prescribed fees; rarity, however, of the use of this power, 1525–1533 —— Experience of witness that the presence of the registrar is not necessary for the correct registration of a marriage, 1533.

Statement that the marriage registration system described by witness applies to all churches and all denominations in Scotland; necessity of Roman Catholic marriages being proclaimed in the parish church as well as in the Roman Catholic church, 1539. 1540. 1572, 1573. 4634–1641 —— Submission by witness of copies of the Marriage Notice Act, and the schedules and public notice under that Act; also of the Church of Scotland Act on the proclamation of banns, 1651.

Townley, Charles. (Analysis of his Evidence.)—Witness is the superintendent registrar of Islington and Chairman of the Associated Registrars of England and Wales; has taken considerable interest in the question of Nonconformist marriages, 1898–1902. 1911.

Belief that, while there is undoubtedly very strong objection on the part of Nonconformists to the presence of the registrar at marriages, the main grievance is the inequality of their ministers with clergyman of the Church of England; submission by witness of returns from the registrars on this subject, 1903–1953. 2008, 2009. 2040–2059 —— Statement that the registration officers, who have had a long experience of the working of the three systems of marriage registration, are unanimously of opinion that there is no form of registration that is so perfect as that known as civil registration in this country; inadvisability of abandoning a good system in order to try an experimental one, 1954. 2014 *et seq.*; 2034–2040.

Receipt by witness of only two complaints of non-attendance of registrars during twelve years, the person who complained having failed to give notice to the registrar in each

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Townley, Charles. (Analysis of his Evidence)—*continued.*

case, 1954-1963——Inability of witness to understand the complaints as to the conduct of registrars at the ceremony, as his district is not the only one in which it is insisted upon that the registrar should treat every person with the greatest courtesy; interest also of the registrars to be as amiable as possible, 1959-1961.

Decided opinion that civil registration ought to be, if it were possible, extended to every marriage in the country; approval of uniformity in the marriage law, 1964-1978. 2014 *et seq.*; 2051-2071——Non-objection to a system of registration of marriages analogous to that of registration of births and deaths, if it can be properly safeguarded, 1979-1993. 2068-2172.

Concurrence, especially in Roman Catholic churches, of cases in which the statutory words essential to the marriage have been uttered in the vestry after the ceremony; no practical difficulty if the law were altered so that those words could always be uttered in the vestry in the presence of the registrar, 1995-2007——Statement that the registrars represented by witness would be satisfied if adequate compensation were given them for any loss entailed by a change of the law, 2010-2013.

Distinct opinion that there is more danger to correct registration under the civil system proposed in Mr. Perks's Bill than there is now in the case of the marriages celebrated in the Church of England; insufficiency of the penalty named in the Bill, 2014-2025. 2028-2032. 2060-2063——View of witness that the proposal to place the Nonconformist minister on the same footing as the clergyman of the Church of England, as regards registration, is better than Mr. Perks's scheme, but not so good as the present civil registration, 2026, 2027.

[Second Examination.]—View of witness that the greatest danger under the registration system suggested in Mr. Perks's Bill is the possibility of the certificate being forgotten, lost, or destroyed, instead of being returned to the registrar, 2073 *et seq.*——Approval of the register kept at the chapel being made the document to be signed by the contracting parties, the certificate sent back to the registrar to be simply an attested copy of that in the book, 2079-2086.

Explanation that if the Bill passed it would only reduce witness's income by rather more than 20*l.* per annum, but that it would affect the registrars of marriages much more seriously, 2087-2109. 2154-2159.——Decided opinion that the system of registration proposed by the Bill is bad, inasmuch as its safety depends on the attention of an officer to duties for which he is not paid; necessity of the imposition of penalties all round, 2110-2120. 2138-2140. 2146-2153.

Limitation of witness's personal knowledge of causes of complaint to his own district, 2121-2127.——Responsibility, to a certain extent, of clergymen of the Church of England to the Registrar General, in regard to the registration of marriages; question as to Nonconformist ministers being upon the same footing, 2128-2135. 2141-2145.

Reiteration of witness's previous statement that, under the Bill, parties obtaining certificates from the registrar could make an improper use of them, 2136, 2137.

U.

Union Clerks (England and Wales). Witness, who is Superintendent Registrar of the district of Kensington, gives evidence on behalf of the Association of Union Clerks of England and Wales, of which he is president this year, *Rutherglen* 1652, *et seq.* 1807-1812.——Explanation that the two main points upon which witness has been specially requested to give information are the pecuniary effect that any proposed alteration of the law would have on the registration officers, who number nearly 2,000, and the serious consequences that would result from a retrograde movement in regard to registration, *ib.* 1653, *et seq.*

See also *Fees. Registrars.*

W.

Wales. Estimate that between 13 and 14 per cent. of the marriages solemnised in Nonconformist chapels in Wales take place without any minister being present, *Whitaker* 108. 193-196. 214-219. 231-23

Waller, Rev. David James, D.D.—(Analysis of Evidence, &c.) Witness is Secretary of the Wesleyan Conference, 515.

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